COMMISSIONER OF OFFICIAL LANGUAGES

COMMISSAIRE AUX LANGUES OFFICIELLES

ANNUAL REPORT 1990

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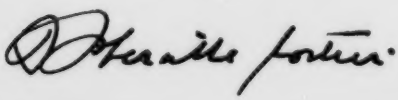
The Speaker,
Senate,
Ottawa

Mr. Speaker,

Pursuant to Section 66 of the Official Languages Act, I hereby submit to Parliament, through your good offices, the twentieth Annual Report of the Commissioner of Official Languages, covering the calendar year 1990.

Yours respectfully,



D'Iberville Fortier
Commissioner of Official Languages

April 1991

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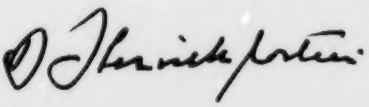

D'Iberville Fortier
Commissioner of Official Languages

April 1991

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Preface: Hardly an Ordinary Report

History is made of misunderstandings
Charles Baudelaire

This Annual Report, the seventh I have had the honour of submitting to Parliament, maintains the traditional structure of a five-part canvas depicting a single reality seen from various perspectives. Our readers will decide if it is, as intended, one of the most thorough we have produced in recent years. But, just as 1990 was a singular year, this report is not quite like the others.

A RETROSPECTIVE AND ITS CONCLUSIONS

This Report begins with a retrospective which we have chosen to call the quiet revolution of the official languages. It is a review of the legal, administrative and socio-political changes in our language policy, especially since the adoption of the Canadian Charter of Rights and Freedoms — which guaranteed new language rights but also saw the dissenting position or exclusion of Quebec — right up to the aftermath of the failure of the Meech Lake Accord. How should this revolution be assessed in light of the challenge for a Canadian partnership we must again take up?

In our view, this retrospective survey is timely for several reasons. Language reform began with the Royal Commission on Bilingualism and Biculturalism in the 1960s, which opened the way to two successive Official Languages Acts and the language clauses of the Charter. The period from 1984 to 1991 coincided with the election and re-election of a Progressive Conservative government after a long and almost uninterrupted reign by the Liberals. The new majority set itself objectives that included better promotion of our official languages, more support for our minorities and reintegration of Quebec into the constitutional family. These years also coincided with the mandate of the third Commissioner of Official Languages. Above all, however, this survey is intended to meet another imperative. In this winter of 1991 Canada is passionately bound up in questions about its future. In this, it cannot and must not fail to draw conclusions from one of the most important, and, in our opinion, most fruitful experiences of its recent past.

Lessons of the past

Two lessons are immediately apparent. First, the language program, important as it is, does not solve the problem of constitutional balance. Second, progress in official languages depends not only on the determination of the most senior levels of government to work tirelessly but also on an understanding of and support for its objectives by government agencies and the public. Language reform is both a matter of state and a matter of the heart.

In the final chapter of Part I we ask the following five questions in an effort to determine how close we have come to achieving our basic objectives through legislation, court rulings and policy implementation. Based not only on our own work but also on the Canadian experience observed over the years, we believe we have answered them objectively. A summary follows:

- *Has recognition of the equality of English and French in federal institutions, particularly in Quebec and the National Capital Region, been achieved?* The challenge was Herculean, but Canadians have met it and have even exceeded the expectations of the original policy-makers. This was another type of quiet revolution on a national scale. We can all be proud of this record. In these two regions services are consistently available. In Quebec French has taken its rightful place as a language of work and participation rates are clearly to its advantage. This does not mean we can slacken our efforts, for much remains to be done and everyone who wishes to show confidence in the future must vigorously pursue reform.
- *Have we succeeded, with the help of the provinces and territories, in protecting our official language minorities and enhancing their vitality throughout Canada?* Not entirely, but 1990 produced a new sense of hope in education and the vitality of the communities has never been more evident. The three provinces with large minority language communities now have, to varying degrees, institutions and services that are generally satisfactory in both languages, and recent demolinguistic trends in these provinces are rather encouraging. We must also bear in mind that individual freedom of choice, the concentration or dispersal of groups and personal mobility are factors of paramount importance over which public authorities have only limited influence in our society.
- *Has there been progress in recognizing the existence in Quebec of a "distinct society" and, after the adoption, without Quebec, of the Canadian Charter of Rights and Freedoms, in the desire of the federal government and most of the provinces to welcome it back into the constitutional fold?* The answer, like the question, is complex. It seems to us to have been "yes" up to the failure of the Meech Lake Accord in 1990, which was largely the result, as we showed publicly before the fateful date, of a clearly defective amending formula which must and will be remedied. The climate has worsened since but why should it not improve again? Could we not meet the challenge for a Canadian partnership once and for all?

- *Has the hoped-for harmonization of relations between Anglophones and Francophones come about?* Harmonization is not a linear phenomenon but, despite some well-known regional problems, communications have definitely improved, public opinion about language equality, especially among young people, is increasingly convergent and the two communities have shown greater interest in each other's language.

- *Is all this relevant to the search for a solution to the present constitutional crisis?* Yes, because the improvements resulting from the revolution in our language policies in the past 20 years constitute, if not a complete solution, at least a major national success story that must be preserved and built upon. It demonstrates what we can now achieve as we take up new challenges.

Our constitutional proposals

The first chapter of Part I begins by examining the place that the status of the official languages and the treatment of our minorities should have in the constitutional reform process now under way. These two elements must, in our view, be preserved and improved whatever happens to our constitution, for what they reflect are precious and inalienable historical and human realities.

An initial step in the regulatory process

The second chapter analyses the first proposed draft regulations governing implementation of the 1988 Official Languages Act. They were tabled in Parliament only last November and are of exceptional importance. This initial step in the regulatory process must be vigorously pursued.

A PARTIAL THAW IN 1990

Since 1984 our annual reports have borne a prominent title on their cover page. What story do these titles tell? From 1984 to 1988 they called for legislative and administrative renewal of our language policy as a key to achieving the ideal of equality of our two languages proclaimed in the Canadian Charter of Rights and Freedoms. The Charter had confirmed English and French as the two official languages of Canada. A new and progressive Official Languages Act was adopted in the summer of 1988. Our two subsequent reports were therefore entitled "From Act to Action" and "From Act to Action?" While we were still calling for renewal, we now had a new and well-designed tool at our disposal. Can it be said that it has also been used well? Not really, but we have nevertheless seen a "partial thaw" in 1990, the most optimistic title in seven years. It is much less that we were hoping for, but much better than no thaw at all.

We may wonder whether there is still a concerted strategy at the highest levels of government to assign adequate priority to official languages among the host of

government objectives. Individual ministers and senior officials, who are often overburdened, are asked to rely on their own inspiration. And yet what is at stake is ensuring implementation of an Act only recently regarded by the government as one of the jewels in its crown.

But what are the main elements of this thaw? That is the subject of the pages that follow, but we can at least discard the first veil here. First of all, for the second year in a row, we award "very honourable mention" to the Department of the Secretary of State in most of the areas under its jurisdiction. Second, a new and favourable breeze was felt this year in implementation of the right to minority language instruction. Third, our evaluations show that the federal institutions which have "markedly or tangibly" taken into account the requirements of the new Act remain a minority but that their number has nonetheless doubled from 1989 to 1990. This trend is also reflected in our summary of the still fragmentary implementation of the blueprint for action set out in our 1989 Annual Report. Fourth, in November the new President of the Treasury Board, Gilles Loiselle, at last tabled in Parliament the draft of the first and most important set of proposed regulations under the Official Languages Act. Unfortunately, there are no indications that the other areas in which the Act provides for regulations are receiving the necessary attention.

Some will conclude from this list that even the absence of regulations or the inadequacy of directives did not completely prevent progress, especially in the high-priority area of service to members of the public in the language of their choice. True, but a fallacy is hidden in this truth. Fully half of all federal institutions have remained relatively insensitive to the new Act. Would this have been the case if more diligence had been shown in interpreting it for federal employees? We must nevertheless applaud the fact that many deputy heads and public servants have refused to wait for instructions from on high or to allow themselves to be intimidated by the sullen and, in some cases, hostile political climate that prevailed in Canada.

Some opposition to official languages policy emerged in the course of the year. Groups and political parties that act as spokespersons for this opposition saw their membership grow in some regions. Careful study of public opinion surveys, however, continues to reveal that, in this turbulent year of 1990, the majority of Canadians accept linguistic duality as a fundamental characteristic of our country. Another particularly significant barometer in this regard was the substantial increase, in the fall of 1990, in enrolments in language immersion or second-language classes. Is this not a sign of confidence by many parents in the future of Canada and its two linguistic communities?

We have been called upon this year to man the barricades on many fronts. This struggle for linguistic equality and justice brings its own reward; but we have also been encouraged to find ourselves so often in such good company.

Women and men

As my mandate draws to a close, I wish to say how much I have been aware of the human aspect of our work. Laws and systems are, of course, necessary to ensure the effective operation of our democratic society, but they are no more than a means to that end. Is "society" itself, after all, anything but an abstraction? I address these lines mainly to the women and men who make up society. As a protector of citizens' rights I think first of the complainants we try to help. They come to us because they want their rights respected, because they are deeply attached to the language that reflects their very soul.

I think of the people I have met across the length and breadth of the land. For example, the little girl of seven or eight, a pupil in a school in the West, who, after the customary speech, marvelled at the beauty of her mother tongue and wanted to know "who invented the French language?" And the widow of a member of the RCMP who was worried about not being able to find work in New Brunswick as a unilingual Anglophone. I think of the fine Albertans gathered in a room to record a radio broadcast who reacted strongly when asked if there were any "dinosaurs" in the audience. (And we then proceeded to the kind of questions that can be imagined, and my answers.) But I think especially of the infectious enthusiasm of members of the Commission nationale des parents francophones, Canadian Parents for French, and all the minority associations and organizations with which we are in regular contact. I think of the countless volunteers who devote their time to defending the linguistic interests of their community and their vision of Canada.

I think also of the many federal public servants who want to serve their clients in their own language, knowing that they deserve good service, and of those who have learned French, or more rarely English, late in life and must devote considerable time and energy to retaining their language skills. There are many who do more than their share. We criticize a great deal in our line of work, but we also wish to express the admiration and gratitude we feel for these women and men in every sector.

I think, finally, of the intellectual and moral calibre of my colleagues at the Office of the Commissioner, both at headquarters and in the regional offices, who form an elite corps deeply dedicated to their mission.

I wish, in conclusion, to thank the Government and Parliament of Canada for doing me the honour of entrusting me with a mandate whose execution has always been demanding and sometimes difficult, but which I could not in all conscience have refused. My fondest wish is to have contributed, in some small measure, to dispelling the misunderstandings of which Baudelaire spoke and to serving my fellow citizens by defending a cause that has always been dear to me.

D'I.F.

Retrospective: From One Crisis to Another

The Quiet Revolution of Official Languages and the Challenge for Partnership

We believe it useful to provide readers with an overview of the change in recent years in recognition of Canada's language duality. The period examined is from 1981 to 1990, between adoption of the Canadian Charter of Rights and Freedoms, one of the major foundations of today's Canada, including, of course, the basis of our language rights, and the new crisis we have been facing since failure of the Meech Lake Accord in June 1990. In addition, much of this period coincides with a new government, elected in 1984 and re-elected in 1988, and with the seven-year term of the third Commissioner of Official Languages, whose mandate will shortly be coming to an end.

This overview is necessarily very incomplete because it covers only the major points of many issues. It nevertheless tries to place what might be termed the quiet revolution of official languages in Canada in the context of an initial constitutional reform to which Quebec never agreed, a second that was aborted and a third that has only just begun. This is the challenge for partnership that we must now take up.

After an introduction that necessarily begins with the Royal Commission on Bilingualism and Biculturalism, we examine the evolution of the new national juridical framework created by the Canadian Charter of Rights and Freedoms and subsequent achievements in the federal sphere. We then study changes in the condition of our minorities, characterized by their evolving rights at the provincial level and influenced at times by court decisions and at times by those of provincial legislative assemblies. We also discuss their demographic situation, community life and their extraordinary determination not only to survive but to grow and develop. We examine certain attitudes of the Canadian public, particularly with respect to education. All this to show what has happened thus far in the implementation of the language rights enshrined in the Charter and to enable us to draw some conclusions. We believe that this analysis will show that the lessons of the past give us cause to be optimistic about the future of the country, which will in all likelihood have a renewed structure.

I. LINGUISTIC DUALITY AND DISTINCT SOCIETY

The mandate of the B and B Commission, created in 1963 by Prime Minister Lester B. Pearson, was to examine and evaluate the language policy of Canada. Its principal concern was to bring about greater federal-provincial co-operation in what it called the "crisis" in relations between English- and French-speaking Canadians. It proposed that the federal and provincial governments establish a new official languages charter for Canada based on the "principle of equality".

In 1969, in response to the Commission's recommendations, Parliament, with the support of all parties, adopted the Official Languages Act. In 1973 it adopted a resolution on the use of English and French as languages of work and the full participation of both official language communities in federal institutions. This resolution was followed in 1974 by regulations on bilingual packaging and labelling.

Also in 1969, New Brunswick adopted language provisions similar to those in the federal Official Languages Act. In 1981 it adopted legislation providing for equitable treatment of both official language communities by the government. We should recall that, prior to implementation of the Official Languages Act, the only language guarantees in Canada were to be found in the slim institutional provisions of Section 133 of the Constitution Act, 1867, in Section 23 of the Manitoba Act, 1870, and in analogous provisions which it was possible to consider as still applicable within the original boundaries of the Northwest Territories.

The movement begun by the B and B Commission on behalf of greater recognition of Quebec, the French language and the Francophone communities of Canada coincided with a profound change in the collective consciousness of Quebecers. Quebec is the only province in which the majority of residents are French-speaking and it has always felt the need to define itself in terms of the far larger Anglophone majority in Canada and North America. Haunted for generations by a sense of insecurity about language, French-speaking Quebecers had tried to deal with the sources of their anxiety, one particular concern being, of late, a marked decline in their birth-rate. The high rate of assimilation of Francophones, particularly in small communities outside Quebec, was also a matter of concern. A new perception of their society and culture, as well as a desire to preserve French and ensure its growth in the face of the increasing power of attraction of English and to exercise greater control over their economic, social and political institutions were factors that led Quebecers to undertake fundamental reforms.

With the adoption of the Official Language Act in 1974, French became the official language of Quebec. The Charter of the French Language (Bill 101) in 1977 went much further: it confirmed the status of French and reinforced its position

as the principal language of work, business and everyday life. The right to choose English as the language of instruction for their children was recognized only for parents who had received their instruction in English in Quebec ("the Quebec clause") and, in some circumstances, the public use of languages other than French was restricted. Several of the Charter's provisions were strongly contested in court and were finally found to be unconstitutional. Thus, the Quebec clause was struck down and replaced by a "Canada clause". More than any other event, adoption of the Charter of the French Language, followed by the exodus, for various social and economic reasons, of a considerable proportion of the English-speaking population, confirmed the process of psychological "minorization" of the English-speaking community.

One after another, in the same period, federal commissions of inquiry made recommendations on ways to recognize the specific characteristics that distinguish Quebec from the other provinces. While it was not the first to do so, the B and B Commission used the expression "distinct society" to describe the Quebec reality. It had first used this concept in its 1965 Preliminary Report to explain how Quebec society was different from other communities in Canada and to show Canadians how the majority of Quebecers perceived themselves. The notion was taken up again in Book I of the Commission's Report in 1967 (page xxxiii):

> We have already said the two dominant cultures in Canada are embodied in distinct societies, and that the word "society" designates "the types of organization and the institutions that a rather large population, *inspired by a common culture*, has created for itself or has received, and which it freely manages over quite a vast territory, where it lives as a homogeneous group according to common standards and rules of conduct." We recognized the main elements of a distinct French-speaking society in Quebec.

In effect, the Commission recommended the extension (in whole or in part) of the system of recognition of language rights then applicable to Quebec to other provinces (New Brunswick and Ontario, in particular), as well as recognition of the multicultural nature of Canadian society.

In 1979 the Task Force on Canadian Unity (Pepin-Robarts) noted in its report that the social fabric of Canada was characterized by polarization. Without specifically referring to the concept of "distinct society" in its presentation of the situation in Quebec, the Task Force proposed (page 52) withdrawal of the constitutional obligations imposed on the Province of Quebec by Section 133: "We believe that Quebec should not be prevented from developing its Frenchness by constitutional barriers which do not exist for other provinces....

In 1981 Parliament adopted the Canadian Charter of Rights and Freedoms, which was proclaimed in April 1982. This was immediately seen as a turning point in the history of Canada, for it defined at one fell swoop the entire range of

rights and freedoms, including language rights, to which the Constitution Act, 1867, had given little attention. But, beyond this legal achievement, the advent of the Charter emphasized the two poles of the Canadian problem owing to the absence of Quebec's signature, Quebec having been left out (according to some) or abstained (according to others). Although the Charter contains the seed of a new and more complete language partnership, its symmetrical approach eludes the Quebec question. Thus to some it provides a new and complete foundation on which to rebuild the country, while to others it glosses over a major portion of the Canadian reality.

The Report of the Royal Commission on the Economic Union and Development Prospects for Canada (Macdonald Commission), issued in September 1985, devotes 20 or so pages in Volume III to Canada's constitutional system and to unresolved community problems, including that of Quebec's place in Confederation. The Commission gives particular importance to the perspective of Quebec as a "distinct society" (page 133);

> The recognition of Quebec's unique character and of Canada's dualistic nature, however, constitutes an affirmation that with the support of the rest of Canada, solutions to these problems can be found. Above all, both Quebecers and francophones outside of Quebec must themselves, individually and collectively, find these answers in the economic and cultural spheres. The new element will be that this search for answers will take place in a context of recognition and affirmation of the cultural complementarity which is, after all, at the heart of the Canadian experience.
>
> There is, therefore, an unforeseen opportunity to conclude a new agreement between Quebec and the rest of Canada. At the outset, what is required in principle is a statement in the preamble of the Constitution which might be worded along the following lines:
>
> > *Recognizing the distinctive character of Quebec society as the principal though not the exclusive centre for Canadian francophones and accepting as fundamental the duality of the Canadian federation...*
>
> At the time of the 1980 constitutional negotiations, participants in intensive discussions on this subject came close to reaching consensus. Commissioners believe that in 1985, on the basis of a text such as the one we have just suggested, such an agreement could be reached quickly enough.

The twofold recognition of linguistic duality and "distinct society" were the major issues at stake in the Meech Lake Accord of June 1987. Canadians had reasons to believe at that time that, unanimous at last, the federal government and the provinces had found a key to national unity. Recognizing that this Accord explicitly recognized our linguistic duality and assured recognition of the

fact that Quebec was "a distinct society", the Commissioner supported it, with some reservations that might be taken into consideration at a later date. These had to do essentially with the weakness of the role assigned to Parliament and to the provincial legislatures relative to promotion of linguistic duality.

Today we are once again in the depths of a crisis whose consequences we cannot yet fully assess. What is certain, however, and what recent history has taught us, is that we shall be unable to maintain the cohesion of Canada without full recognition of all aspects of its linguistic duality and the obviously distinct character of Quebec society.

II. LEGAL FRAMEWORK OF THE LANGUAGE REGIME

Canadian Charter of Rights and Freedoms and the official languages

A major portion of the 1982 Canadian Charter of Rights and Freedoms is devoted to language rights, to the point that they must be considered in the Canadian context as fundamental rights. In addition, like democratic and mobility rights, they are not subject to the Charter's notwithstanding clause. The Quebec government was able to use the notwithstanding clause to promulgate Bill 178 because this matter fell under freedom of expression and not under language rights. These rights also include minority language instruction out of public funds. Even if the exercise of such rights is subject to some conditions (mother tongue or language of instruction of the parents, language of education of brothers and sisters, minimal number of students), Section 23 is nevertheless a fundamental step for the protection and development of minorities. It should be noted that another section of the Constitution Act, 1982, which was adopted without difficulty and was the source of the so-called "Canada clause", recognized a particular status for Quebec in this regard.

The Charter is not limited to recognizing for the first time that English and French are the official languages of Canada with everything that may entail; it specifies that they have "equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada", thereby taking up the wording of the key section of the 1969 Official Languages Act. The Charter confirms, by making them specific, the provisions of the federal dimension of Section 133 of the Constitution Act, 1867: parliamentary, legislative and judicial bilingualism. And it continues the process of constitutionalizing the official languages by providing the public with the right to use English and French to communicate with and to receive available services from any institution of the Parliament or government of Canada wherever there is significant demand or where justified due to the nature of the office. The Charter entrenches a similar three-part bilingualism system for New Brunswick, with a few stricter variants with respect to language of service since there is no question of "significant demand". Lastly, it stipulates that it does not limit the power of Parliament and the provincial legislatures "to advance the equality of status or use of English and French".

While, in the federal context, the new language system instituted by the Charter falls within an historical continuum, it is nevertheless innovative in that it confirms the changing character of language guarantees in Canada. Canadians will therefore have to rely on the legislators of the two orders of government and possibly even municipalities to ensure that they give effect to these constitutional guarantees by moving them toward the objective of equality.

This role, moreover, was confirmed by the Supreme Court of Canada, which even specified that, in some instances, such as the right to minority language instruction, legislation would have to be adopted to give concrete recognition to the status of both languages. Thus courts as well as legislatures have a role to play in establishing Canada's system of language rights.

Conciliation of Charter requirements with those of the 1969 Official Languages Act

To reflect the entrenchment of language rights in the Constitution, in 1981-82 the Treasury Board partially updated the directives that had been adopted pursuant to the 1969 Official Languages Act. From then until 1988 language reform showed little process. The Standing Joint Committee on Official Languages had recommended, as early as June 1982, that the 1969 Official Languages Act be amended to reflect the constitutional changes of 1982, but the government of the day paid little attention.

The Committee continued to play a pivotal role in the progression towards equality. Testimony by the heads of many federal institutions and minority associations, and in particular the recommendations in the Committee's many reports, had an often key influence on the quality and direction of government action.

Upon his appointment in 1984 the new Commissioner grasped the full importance of the political situation with the arrival of a new government dedicated to national reconciliation. Based on the statements of the new Prime Minister and members of his government, the Commissioner, in his first Annual Report (1984), proposed administrative and legislative renewal of the official languages program as well as co-ordinated action by both orders of government to improve the language situation at the federal level and to promote English and French in every sector of Canadian society.

As a result of these converging efforts, the government adopted the new Official Languages Act in 1988. In so doing it sought to update the 1969 Act and earlier policies by taking into account the consequences of the Charter provisions; it also sought to make the language of service clause more specific and to extend the scope of the Act to two other program objectives already in place since the June 1973 parliamentary resolution, namely language of work and the full participation of English- and French-speaking Canadians in all federal institutions.

A new feature was that the government also committed itself in this legislation to support minority development and to promote English and French in Canadi-

an society. Implementation of the Act was entrusted to three major players: the Treasury Board for internal government programs, the Secretary of State for promotional aspects of the Act and the Commissioner of Official Languages in his triple role of protector of citizens' rights, auditor and promoter of language equality. We should note, too, that the Act provides, for anyone lodging a complaint with the Office of the Commissioner, for a court remedy mechanism to the Federal Court; this remedy strengthens the Commissioner's powers and the protection given to Canadians.

The Official Languages Act finally has a quasi-constitutional character, not only because it sets out in explicit terms the rights found in the Charter, but also because many of its most important parts have precedence over those of any other federal act that is incompatible, the one exception being the Canadian Human Rights Act.

Regulations pursuant to the Official Languages Act

The Official Languages Act is fundamental legislation. Parliament has provided for eight instances in which its implementation may give rise to regulations: agreements and treaties (Section 10); judicial proceedings (Section 17); health, safety and security (Section 26); communications and services (Section 32); measures to actively foster communications and services (Section 33); language of work (Section 38); equitable participation (Section 40); and other regulatory measures (Section 93). As a result of the delay in implementing the new provisions of the 1988 Act, which in the Commissioner's view was unjustified and contrary to the repeated commitments of the government, he tabled a special report to Parliament on October 25, 1990, in which he demanded that the government immediately table in the House of Commons the proposed draft regulations dealing with communications with and services to the public, and thereafter, as promptly as possible, all the regulations required under the Act.

Several days later, on November 8, the government tabled the proposed regulations on communications and services in Parliament. However, we are still awaiting the other draft regulations, particularly those relating to language of work and equitable participation — announced as part of the 1989 federal regulation program — but also those relating to health, safety and security and to judicial proceedings, the adoption of which is necessary for an orderly and effective implementation of the Act. The Act, we should remember, was adopted by Parliament two and a half years ago.

Given the impressive progress towards equality of status, rights and privileges for our official languages, how can we explain Canada's situation today? Although it may appear paradoxical, we would be wrong, we think, to be surprised by it. Important though it may be, the progress made to date could not take the place of recognition of the linguistic and cultural specificity of Quebec or of the creation of a framework that accommodates it fully. While federal institutions increasingly reflect linguistic duality (albeit with some regrettable

delays), this is only the first side of the constitutional equation. As the B and B Commission noted 24 years ago — we stated this earlier and feel bound to repeat it — "the two dominant cultures in Canada are reflected in distinct societies". That opinion has never been universally shared either by the government of the day or by the general public, but it was based on detailed studies and consultations that have since been confirmed. Who can say that subsequent events contradicted this point of view and that its rejection, in one way or another, will help ensure Canada's future? There should have been, and there still should be, no great drama about confirming a status that has existed for 124 years and the need for the entrenchment of which has been progressively more acute. There obviously exist alternatives, but are they much more promising?

III. ADMINISTRATIVE REFORM IN THE FEDERAL ARENA

The first 10 years of language reform were characterized by clear and rapid progress that concentrated mainly on translating basic principles into achievable objectives and on establishing the administrative measures required to achieve such objectives. However, in the early 1980s language reform was showing clear signs of shortness of breath: improvements in language of service to the public were progressing at a snail's pace while the language of work situation and the equitable participation of members of both language communities in the Public Service were stagnating. The causes of this downturn were many, but in our view the most important flowed directly from the basic structure of the program, in other words the Act, directives and administrative systems in place since 1969-70, which were showing obvious signs of wear. This wear, which has lasted to the present day in some areas, was also due to a lack of dynamism on the part of the central agencies, whose timid attitude did nothing to encourage departments and Crown corporations to participate actively in the reform process. As noted by the second Commissioner, Maxwell Yalden, in an appearance before the Joint Committee in June 1984, "the major task, therefore, is to try to breathe life into the rules and the systems in such a way as to change the *real availability* of services in English and French, the *relative use* of the two languages within the federal administration, and what Parliament has called "the *full participation* in the Public Service by members of both the Anglophone and Francophone communities."

Action by the Office of the Commissioner

This, then, was the context in which the Commissioner took up his duties in 1984. Noting that lack of renewal meant retreat, he tried throughout his mandate to encourage the government to revitalize the legislative and administrative foundations of the program. In his efforts to renew the reform process and prod the authorities, he included in his first annual report 50 or so proposals and made use of a whole range of interventions, examples of which are: many suggestions in successive annual reports, followed by a blueprint for action in the 1988 Report, a plan whose implementation, while still far from complete, would

enable the fundamental principle of equality to become day-to-day reality, both at a strictly federal level and in terms of minority development and the promotion of English and French in Canadian society. The blueprint also included an appeal for efforts to inform and promote official languages among all segments of the Canadian public. His ombudsman and auditor roles were rounded off by various publications, a new approach to the quarterly magazine, *Language and Society*, speeches, travel, the organization of colloquiums, participation in congresses and three special reports to the Governor in Council, each dealing with one of the program objectives. The audits of federal institutions conducted by his Office were supplemented by many thematic reports: on the lack of bilingual services in Prince Edward Island (1987), language of work in New Brunswick and Quebec (1987 and 1989), the lack of services in French in national parks in western Canada (1988), the use of both official languages at national and international events (1988), Anglophone under-representation in the Administrative Support category in the National Capital Region and the lamentable state of affairs in many areas of science and technology. There was also a special report to Parliament on regulations under the Act and recourse to the Federal Court with respect to the use of the minority press by Air Canada (1990). And, of course, the Commissioner and his Office were only one of the players.

We believe it is of interest to mention some of the high points of the decade that affected federal institutions in the four traditional fields of language of service, language of work, equitable participation and program administration.

Language of service

In 1980 the Treasury Board asked departments to "take into account questions relating to the official languages" when they provided financial assistance to voluntary organizations. In 1982 a Treasury Board directive established the principle of active offer of bilingual services in regions where there is significant demand; Toronto and Winnipeg were added to the list of such regions. In 1983 federal toponymy took a new turn by moving towards a largely unilingual system of nomenclature. In 1988, long after the Commissioner's Office, the Treasury Board distributed the "official languages symbol", designed to indicate to the public which offices are bilingual. A list of such offices is contained in a regularly updated inventory. Then, in November 1990, the government finally tabled the proposed draft regulations on communications and services pursuant to the 1988 Official Languages Act.

When measured against the complaints received by the Office these few initiatives did not represent the awaited renewal, because complaints rose from 1,700 in 1980 to 2,300 in 1990. This increase probably reflects a growing interest in language questions in the wake of the new Act, but it also demonstrates that respect for the language rights of Canadians is still by no means fully satisfactory. In particular, complaints from small minority communities are 10 times more numerous per capita than those from larger communities; the percentage of complaints from Quebec is dropping and are more or less evenly divided between

English- and French-speaking complainants. The number of complaints stabilized in 1990 compared to 1989, and those from the general public dropped. When one considers that complainants represent no more than 5% of all infractions of the Act, one realizes that a great deal of progress still needs to be made.

Language of work

In 1982 the Treasury Board announced that, henceforth, public servants entering senior management positions in bilingual regions (and, more generally, supervisory positions) should have intermediate level proficiency in both languages; it noted that in their written communications with Quebec, head offices should respect the language or languages of work in use. In 1987 it announced that all public servants in the senior management group would be required to achieve the superior level of reading and oral interaction skills in both languages by 1998. A special course has been established to help them in this regard.

Despite these expressions of good faith few changes for the better have occurred in the language of work situation in the past 10 years and, other than in Quebec (and even there, with some restrictions for Crown corporations), French still does not have its rightful place in the federal administration. The last survey conducted by the Treasury Board on the use of both official languages in the workplace was in 1984. It showed that French was used only approximately 30% of the time in bilingual regions. The Prime Minister himself deplored the fact in 1985 that language of work was often pure "folklore". Unfortunately, there are no indications to suggest that there has been any significant improvement in the situation, despite the best efforts made by some organizations. Only a regulation specifying the conditions for implementing the concept of work environments conducive to the effective use of both languages would enable the Public Service to progressively attain the Act's objective.

Equitable participation

The 1973 Parliamentary Resolution really initiated what was then known as "full participation". The objective was fair if one considers the principle of equality for both official languages and indispensable if one thinks of language of service to the public. In 1980 Francophones represented 26.7% of the Public Service workforce; that figure had risen in 1990 to 28.3%, but was at 26.7% in federal institutions as a whole (Crown corporations included). This situation corresponds quite closely to the objectives of the Act, which stipulates that the workforce of federal institutions should *tend* to reflect the presence of both official language communities. However, this satisfactory result overall should not hide the imbalances that persist in some regions and employment categories. Definite improvements have been made in Ontario and New Brunswick, but in Quebec the under-representation of Anglophones in the federal Public Service continues to be a matter of concern. Similarly, in the National Capital Region Anglophones are under-represented in the Administrative Support category and, as a general rule, Francophones are under-represented among managers and in the Scientific and Professional category.

The correction of such persistent imbalances, which are the source of inequities and irritation, should be one of the major challenges in the years to come with respect to participation.

Program administration

It should first be pointed out that virtually all the measures taken in this regard are addressed to departments and not to Crown corporations, which should be included too. In the early 1980s there was a movement towards decentralization of responsibilities from the Treasury Board to departments. This in itself is good. Parallel to this movement, there was a dispersion of official language responsibilities within federal institutions, under the guise of their integration with day-to-day operations. Then, in 1987, a new official languages accountability regime was launched to replace the earlier system of annual plans. Under the terms of letters of understanding with the Treasury Board, departments must develop action plans that correspond to their needs, the goal of the system being to give greater responsibility to the senior management of federal institutions.

The *language requirements of positions* are one of the key administrative mechanisms of the Public Service official languages machinery. In 10 years their profile has evolved somewhat in the sense that a larger number of positions have been designated bilingual, as was necessary (Table 1). However, we wonder if such an increase is not the path of least resistance, the result being, particularly in Quebec, a wholesale reduction in the number of French-essential positions. There was also a very visible increase in the skill levels required in principle in designated positions, a factor which should provide for some improvement in service. The pool of bilingual employees is now above the number of bilingual positions, and this should ensure employee mobility under more satisfactory conditions.

Table 1

Language requirements of positions, 1980 and 1990

Positions	1980		1990	
Bilingual	53,103	25.2%	62,080	29.2%
English essential	128,119	60.7%	124,911	58.8%
French essential	16,921	8.0%	13,816	6.5%
Either/or	12,866	6.1%	11,780	5.5%
Total	**211,009**	**100%**	**212,587**	**100%**

Source: Official Languages Information System.

In addition, the incumbents of bilingual positions are only slightly better able than in the past to meet the language requirements of their position (Table 2), a factor which reduces the impact of the increased level of requirements.

Table 2

Bilingual positions and incumbents, 1980 and 1990

	1980		1990	
Bilingual positions	53,103		62,080	
Incumbents meeting the language requirements of their positions	43,883	82.6%	53,160	85.6%

Source: Official Languages Information System.

Parallel to this, the method of evaluating second-language skills was reviewed. Since 1987 it has indicated the real language skills of public servants (in addition to showing whether they were able to meet the requirements of their position).

In the same period, imperative staffing, which requires that a candidate be bilingual upon appointment to a bilingual position, increased significantly, going from 4% to 19% of all appointments. Originally viewed as an exception[1] to the general rule, this type of staffing has been recommended in some circumstances since 1981. This is a healthy development provided exigencies are not such as to limit unduly access to the Public Service to unilinguals able and willing to learn the other official language.

Language training became progressively regulated, resulting in reduced class hours and imposition of an aptitude test. It was also affected by downsizing in the Public Service and by increasingly greater use of training provided by the private sector. Intensive and continuous training were reduced in favour of other types of courses, a trend that has grown with the new policy issued in 1988. That policy places increasing importance on the private sector and progressively reduces the role of the Public Service Commission. Departments are now more often required to fund the training of their employees. For the past three years pronounced staff cuts have led to increasingly unacceptable delays in the training of priority candidates.

Over the past 10 years *translation* has been the subject of rationalization through a severe reduction in personnel and by increased use of the private sector.

The *bilingualism bonus* survived the decade untouched and cost between $40 and $45 million per year. As of 1987 the Treasury Board reassessed the language knowledge of incumbents of bilingual positions to the tune of 9,500 per year in

[1] This was somewhat paradoxical because an order of the Governor in Council was required initially to permit so-called "conditional" staffing, which allows a unilingual candidate to be appointed to a bilingual position while awaiting the opportunity to become bilingual.

order to check whether the recipients still deserved the bonus. The success rate was almost 90% and the operation is continuing.

As we write these lines, we are pleased to say that the limited but real efforts of government, as well as our own initiatives, supported and reinforced by the Standing Joint Committee on Official Languages, which throughout the period has undeniably been a central force, have had a positive impact. Many elements of the program dealing with language of service have been renewed, a new Act is in place, draft regulations on service to the public are in the approval process, and plans have been made to review several policies to bring them into compliance with the Act. In addition, letters of understanding have been signed between the Treasury Board and more than 40 departments and these are now beginning to bear fruit. Even if tangible results are not always visible, we can state at the end of 1990 that the new Official Languages Act has, thus far, had a positive impact on approximately 20 of the 50 institutions we have evaluated in this year's Report, particularly with respect to service to the public. However, the use of French in the workplace outside Quebec, particularly in scientific and technical fields, still does not enjoy its rightful place and there is nothing to indicate a reversal of this situation in the short or medium term. In this regard, we still deplore the absence of, and even the unwillingness to introduce, draft regulations on language of work and equitable participation, which leaves the program in a dangerous state of flux vis-à-vis the realization of these objectives and, more important still, harms Canadians by preventing them from having their language rights fully respected.

IV. SITUATION OF THE MINORITIES

One of the major initiatives of the Office in the 1980s was the organization in 1985 of a colloquium on the official language minority communities. Naturally this type of conference highlights differences between the situations and challenges facing each of our minority language communities. Yet it also underscored an extraordinary consensus around basic issues and approaches to national questions. This was evident in the closing statement of the conference, a synthesis by the leaders of Canada's principal language minority associations, Alliance Quebec and the Fédération des francophones hors Québec. It stated:

> It is in the best interests of all our communities that we join together wherever our objectives and interests coincide, so that we may speak with the combined voices of the nearly two million Canadians who live the minority-language experience on a daily basis.

Among the colloquium's recommendations were the establishment of co-ordination mechanisms between federal departments and agencies with regard to services, the need to define more clearly the obligations of federal institutions,

and evaluation of the impact of government programs and services on the vitality of minority communities.

Vital signs — the 1981 and 1986 censuses

During the 1980s a number of trends in the linguistic demography of Canada continued to have an impact on the situation of the minorities. If Canada's duality is not in doubt, it is increasingly characterized by polarization. Francophones are concentrated in Quebec and the two adjacent provinces; those in Ontario and New Brunswick constitute 76% of all Francophones outside Quebec. Quebec has a significant but shrinking English-speaking minority. If polarization is a fact, so is the so-called "bilingual belt" which has shown considerable resilience, especially over the past few years. This is not to say that other minority groups are insignificant. On the contrary, they are showing renewed vitality. While the percentage of mother tongue Francophones in Canada declined slightly from 26% in 1976 to 25.1% in 1986, Francophones in Quebec increased from 82.4% to 82.8% in the same period. Both minority language communities represented a slightly smaller percentage of their respective national language communities. However, Ontario and New Brunswick's Francophone communities, the two largest outside Quebec, increased by 4% between 1976 and 1986.

Measured by a relatively simple yardstick (the language continuity index, which compares mother tongue responses with home language), English continues to exert a strong but highly variable power of attraction among mother tongue Francophones outside Quebec. Francophone minority communities suffered major losses, especially during the long period when perseverance and even heroism could not prevail over the lack of a publicly financed French-language educational system. However, linguistic continuity outside Quebec remained relatively stable between 1981 and 1986, seven out of 10 persons of French mother tongue using that language most often at home. While the number of Francophones increased slightly (from 908,440 to 945,860) between 1976 and 1986, their proportion of the population continued to decline, due largely to immigration, from 5.4% of the population outside Quebec in 1976 to 5% in 1986. However, the situation of the large Francophone communities outside Quebec differs considerably from the smaller in terms of language continuity. Demographer Jacques Henripin observes that the net loss "is only 7% in New Brunswick" where the resistance shown by Acadians "is as remarkable for its strength, as for its stability, at least since 1971." There are positive signs in Ontario as well:

> The numbers had fallen between 1971 and 1981, but increased slightly between 1981 and 1986 to reach 341,000. In view of the steps taken in Ontario to facilitate living in French, it will be interesting to see whether Franco-Ontarians resist assimilation more. It is too early to reach a conclusion, but it can be said that the proportion of Francophones in the total population remained nearly stable from 1981 to 1986 (3.9% and 3.8%), whereas it had declined from 4.6% to 3.9% between 1971 and 1981. Taking the unequal duration of these two periods into account, it can be said that the

> rate at which Franco-Ontarians are losing ground is only one-third as great. Moreover — and this is undoubtedly more significant — the index of linguistic continuity has increased slightly from 70.5% in 1981 to 71.1% in 1986, whereas it had fallen between 1971 and 1981.[2]

As Henripin and others have suggested, this may represent an early indication that policies designed to enhance minority language vitality have begun to have an impact.

The English mother tongue population in Quebec declined by 14.8%, from 796,665 in 1976 to 678,785 in 1986 (or from 12.8% of the Quebec population in 1976 to 10.4% in 1986). This decline was in large part the result of interprovincial migration. Some 202,113 English mother tongue Quebecers left the province while only 54,213 entered, creating a net out-migration of 147,900. However, the net interprovincial migration in the 1981-86 period showed a significant reduction in the net exodus by English-speaking Quebecers in the preceding five years, and may reflect the impact of the political and economic climate on a traditional pattern of high mobility among Anglophones in Quebec.

A decade of court decisions

Throughout the 1980s the status of language rights has been repeatedly confirmed by the courts and some of the most significant developments affecting linguistic minorities have been the result of court action, mostly based on the Canadian Charter of Rights and Freedoms.

The guarantee of public education in the minority official language of the province under Section 23 of the Charter has led to significant changes in nearly every jurisdiction. The first court decision on this matter struck down certain provisions of Quebec's Charter of the French Language (Bill 101), which limited access to the English-language school system to the children of parents educated in English in Quebec. The 1984 ruling extended access to the children of parents educated in English anywhere in Canada. This balanced approach protected minority language educational rights while recognizing Quebec's particular circumstances. As noted earlier, Section 59 of the Constitution Act, 1982, suspends application of a more universal "mother tongue" criterion in that province until such time as the legislative assembly or government of Quebec authorizes its commencement.

Section 23 of the Charter also led to numerous court decisions in other jurisdictions where parents and provincial authorities disagreed over the definition of the "where numbers warrant" provision and whether Section 23 confers community control and management of minority language education. This Office was an intervenor in a number of these cases. This litigation was, of course, due in

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[2] Jacques Henripin, "The 1986 Census: Some Enduring Trends Abate", *Language and Society* 24, Fall 1988, p. 8.

some measure to the failure of local or provincial authorities to approach the interpretation of Section 23 with openness and generosity. The effect in some jurisdictions was to deprive a generation of minority official language children of the type and quality of education to which they were clearly entitled.

The Supreme Court's 1990 decision in the Mahé case was its first opportunity to look at this section comprehensively. In this case, which originated in Alberta, the Supreme Court held that the section was:

> designed to correct on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of 'equal partnership' of the two language groups in the context of education.

The Court held that Section 23 also confers on minority language parents, where numbers warrant, a right to management and control over these educational facilities. Depending on the number of students involved, a "sliding scale" would determine what level and type of rights and services is appropriate.

The status of English and French in the legislatures and courts was also at issue throughout the decade in several provinces. In 1979 the Manitoba Official Language Act, 1890, was ruled unconstitutional by the Supreme Court of Canada. The same day, the first Blaikie decision by the Supreme Court struck down the provisions of the Charter of the French Language which stated that only the French text of laws and judgments had official status and limited the language choice of judges, lawyers and moral persons before courts and other quasi-judicial bodies. In 1981 the Supreme Court's second judgment in the Blaikie case clarified the rights established under Section 133 of the Constitution Act, 1867.

The Supreme Court defined Section 133 and a similar provision of the Manitoba Act, 1870, in two advisory opinions issued in 1986. In the Bilodeau and MacDonald cases the Court held that court summonses may be in English or French, regardless of the language of the parties to whom they are addressed. While acknowledging that it may be desirable for the recipient to understand the summons, the strict and literal interpretation held that "it is not open to the Court, under the guise of interpretation, to improve upon, supplement or amend this historical constitutional compromise."

In the 1988 Mercure case the Supreme Court of Canada ruled that Alberta and Saskatchewan were bound by the rules of parliamentary, legislative and judiciary bilingualism pursuant to Section 110 of the North-West Territories Act, 1891. However, unlike similar rights in Quebec, Manitoba, New Brunswick and at the federal level, these rights were not enshrined in the Constitution. Taking advantage of this historical loophole, both Alberta and Saskatchewan subsequently abolished or limited most of these rights. On this occasion the Supreme Court

declared that language rights "are a well-known species of human rights and should be approached accordingly", an eminently wise statement which the Commissioner considers a major advance for language rights.

In 1988 the Supreme Court also ruled on the issue of commercial signage in Quebec. The law, which prohibited, under most circumstances, the posting of signs in languages other than French, was found to be in violation of the rights of free expression and of equality guaranteed in Quebec's Charter of Rights. In the two cases, La Chaussure Brown's and Singer, the Court found that the requirement to use the French language, even its marked predominance on commercial signage in pursuit of a legitimate social goal, could be justified; however, it found the exclusive use of the French language to be an unacceptable restriction, particularly in light of the fact that no convincing case had been made in its favour. The Quebec National Assembly subsequently invoked the so-called "notwithstanding" clause of the Quebec and Canadian Charters of Rights (although it had not subscribed to the latter) to exempt its new law on commercial signage (Bill 178) from provisions in both Charters while generally allowing the indoor use of other languages.

Advancing towards equality: federal and provincial governments

The courts were by no means alone in breaking new ground in language matters. Several governments adopted new laws and policies of significance to their minority communities. These, of course, included the federal government, which adopted the Canadian Charter of Rights and Freedoms in 1981 and a new Official Languages Act in 1988. The Charter represented a most important advance for the minority communities. The Official Languages Act also has special significance for the English- and French-speaking minorities. For the first time, the Act committed the federal government to "enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development", as well as to encouraging and assisting the provincial governments to support the development of their respective minority communities. Also to ensure progress toward equality, the Commissioner recommended in 1988 that at one of the next constitutional conferences the federal government propose to the provinces the adoption of a formula designed to support the development of the English and French linguistic minorities and to reduce current imbalances in the status of English and French across Canada by extending services to their minority in the appropriate language. He has now made more specific proposals to that effect which are set out in this Report.

Following proclamation of the 1988 Official Languages Act the federal government signed framework or specific agreements with provinces and territories. These agreements identify areas of future co-operation and projects dealing with such matters as schools, community centres and government services. Seven provinces and territories have thus far signed multi-year framework agreements. The federal government continues to provide significant funding to the provinces to assist in the provision of minority language education pursuant to Section 23

of the Charter and second-language instruction in accordance with Part VII of the Official Languages Act. Each of the provinces and territories has signed joint cost-sharing agreements with the federal government for this purpose. The Act also extended the right to use English or French in criminal proceedings throughout Canada.

The provinces and territories have acted within their own jurisdictions to enhance access to services in the minority official language. Since 1982 New Brunswick has pursued an active official languages policy based on the principle of equality for its English- and French-speaking communities. Manitoba's French language services policy — so controversial in the early 1980s because of the suggestion that it be enshrined in the Constitution — has more recently been extended with a large measure of support from all parties in the legislature. In 1984 the Northwest Territories adopted its Official Languages Act, which established the right to territorial services in French, the right to use French in civil proceedings in territorial courts and the obligation to use English and French in the statutes, records and journals of the legislature. The Yukon adopted similar legislation in 1988.

Nor were Canada's provinces with the three largest minority communities inactive. It should be borne in mind that it is in these three provinces that 93% of our official language minorities live. Ontario enacted the French Language Services Act in 1986, which provides the right to receive service in French from the provincial government in designated areas. The latter include areas where the minority community represents 5,000 persons in urban centres or 10% of the population elsewhere. Over 80% of Ontario's Francophones live in these designated areas. In 1986 Quebec adopted Bill 142, which guarantees the right to receive health and social services in English everywhere in that province. New Brunswick moved to consolidate language rights by seeking constitutional entrenchment of Bill 88 on the equality of its two linguistic communities.

Not all legislative change, however, represented progress. As mentioned above, Alberta, Saskatchewan and Quebec, to a greater or lesser extent, all moved to restrict minority language rights in the wake of Supreme Court rulings. Nor have all provinces been equally conscientious in assuming their responsibilities with regard to minority language education under Section 23 of the Charter. The minorities, indeed, could be forgiven for feeling that some governments are willing to fulfil their constitutional obligations only when faced with court orders, large sums of federal cash, or both.

The provinces with the largest official language minority communities (Quebec, Ontario and New Brunswick) have educational structures in place which now correspond closely enough to what is required under the Charter. Ontario has made impressive progress, particularly since 1986, in bringing its educational structures in line with the Charter. Quebec accepted the Supreme Court's 1984

decision. This resolved the only major Charter issue raised by Quebec's well-established English-language education system, which ranges from primary schools to universities. Quebec is currently moving towards a linguistic rather than a denominational education structure. Past proposals to create linguistic school boards have been controversial in the English-speaking community but the current reform appears to receive substantial support. New Brunswick's full French-language education system is very close to ideal in its respect for minority language educational rights. Its dual language structure, which provides for Francophone management and control, predates the Charter, as does Quebec's. While educational opportunities are more limited in other provinces, some, like Manitoba, have made a significant contribution to the preservation and development of existing institutions.

In the 1990 Mahé decision the Supreme Court ruled on the urgent requirement to put in place an appropriate system for education in the language of the minority, including a variable degree of management. Paradoxically, it is some smaller juristictions that have set the example for those that have not yet reached this point. Such a system is in place in Prince Edward Island and is being introduced in the Yukon. In Saskatchewan it has gone beyond the planning stage but its implementation has been delayed, whereas British Columbia and Manitoba are in the process of defining what is required; Alberta is less advanced. Lastly, despite the creation of schools or at least classes, Newfoundland, Nova Scotia and the Northwest Territories are still keeping their minorities waiting eight years after the coming into force of the Charter.

While the federal government has been the most active in assisting French-speaking minorities across Canada, the Quebec government has also played a minor but useful role in funding projects and Francophone community organizations.

Department of the Secretary of State

The Department of the Secretary of State had not waited for the official legislative sanction conferred upon it by the 1988 Official Languages Act to help the minorities develop and to promote linguistic duality in Canadian society. As of 1969, it was creating programs which over the years would change name but would maintain the same objectives: to help the official language minorities to develop and Canadian society to better accept and live duality. The Department has always focused on two major areas: minority and second-language instruction, and support for organizations representing Canada's minorities.

In the early 1980s the Department refined its methods and approach. In education, it developed letters of understanding which placed federal financial assistance to the provinces in a broader framework. For instance, in 1983, the Department concluded, via the Council of Ministers of Education, Canada, a comprehensive agreement with all the provinces. This was revised in 1985 and renewed in 1988 in the even more dynamic context created by the new Official Languages Act.

Federal funding through programs to assist education is very significant. In the 20 years since the first Official Languages Act the federal government contributed over $2.5 billion to minority and second-language instruction. These major expenditures, which are not exorbitant considering the overall cost of education, are an investment in the future of Canada. Particularly after promulgation of the Charter, these funds contributed to an increase in the number of schools for Francophone minorities outside Quebec (511 in 1988), to maintaining the school system for the Anglophone minority in Quebec (307 schools in 1988) and to the continued expansion of the teaching of English and French as second languages.

Secretary of State Department assistance to organizations representing the minorities is, over the long term, just as important for their development as its contribution to minority and second-language instruction. In 1975 the Fédération des francophones hors Québec was created to co-ordinate the activities of a multitude of provincial and regional organizations. In 1982 it was Alliance Quebec's turn to become the principal organization speaking on behalf of Quebec Anglophones.[3] At the same time many regional, local and specialized organizations were formed throughout Canada over the past 20 years. It is impossible to list them all, but examples include the Association of Quebec Regional English Media, the Association de la presse francophone, the Commission nationale des parents francophones, the Fédération des jeunes Canadiens français and the Quebec Drama Federation.

In the early 1980s the Department funded specific projects submitted by some 400 minority community organizations. However, when this program was renewed in 1983, individual funding became part of a more general community development approach. This focus on meeting objectives and developing long-term strategies led to increasingly close consultations with minority organizations. Community representatives are, of course, best placed to determine the needs of their members. In 1987 these widespread and detailed consultations bore fruit. On the eve of renewing its programs for five years, the Department, in concert with the communities, specified five major sectors of action: representation, to ensure increased recognition of community organizations; institutionalization, to strengthen institutions serving the minorities in their language or to create new ones; service delivery; animation; and human resources development in minority communities.

To underline the importance it gives to this broader approach the Department, pursuant to the new Official Languages Act, in 1988 renewed its programs for the promotion of official languages by placing them on a permanent footing and committing over $200 million in the next five years (1988-93), an increase of some $50 million over the five preceding years.

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[3] Alliance Quebec also intervened on serveral occasions before the courts in cases relating to minority Francophone educational rights and supported Francophones on other occasions.

The 1988 Act broke new ground by giving the Department of the Secretary of State responsibility for co-ordinating the efforts and activities of various federal institutions regarding minority community development. A structure has been established within the Department, and activities to increase the awareness of other departments and to provide them with information on their responsibilities vis-à-vis duality will probably soon bear fruit.

In the area of communications, access to CBC and Radio-Canada services continued to grow in the 1980s and there was even some local minority language programming, although this has now been severely curtailed as a result of budget cuts. Recently the Secretary of State and the Department of Communications helped establish several community radio stations which are among the few sources of local programming now available to the minorities. The governments of Canada and Quebec have participated in the funding of TV5, which broadcasts programs from across the Francophone world and provides a welcome diversity in programming. Access to TV5 is increasing, but is still limited. The government of Ontario also contributed significantly to progress in French-language broadcasting by launching its highly successful French educational television network, *La chaîne française*. Cable access to the Quebec-based French-language TVA network is also becoming more widespread.

Minority community life

After helping the minorities in the early years to develop representative institutions, the Department focused in the 1980s on concrete community development projects to enable groups, usually at the provincial level, to develop co-ordinated, consolidated and representative structures. The minorities want to increasingly diversify their activities and increase their involvement in cultural, economic, communications and media interests.

This challenge is now being taken up. The energy displayed by minority communities and groups is evident to all. We have already mentioned the progress achieved in education, but this is not the only area. In the information field the minorities have a vibrant and growing network of publications and Francophones outside Quebec now have an Agence de presse francophone. The larger communities have developed a solid framework of associations and religious and lay community organizations, one example being the caisses populaires. And, with assistance from various sources, the smaller communities are beginning to develop the key features of this infrastructure, especially community-school centres which have existed for some years in eastern Canada and will also be created in the West.

Francophones outside Quebec are experiencing a cultural renewal; French-language publishers are growing in number in Ontario, French-language theatre groups are being formed in every province and Francophone festivals are drawing large crowds, especially in Ottawa. Artists and writers are becoming known on the Canadian scene and Francophone communities outside Quebec are

defending with greater vigour, but also with serenity, their rights and place in society. Their associations are active, as is their media network. While attentive to changes in their province, they also demonstrate their understanding for Quebec's aspirations and their wish to preserve their language and institutions. More confident and dynamic, they wish their contribution to the society of the province they live in to be recognized in full. Despite current constitutional tensions, their determination to deal with the future and remain themselves is felt throughout the country.

As we have seen, the relative health of Canada's official language minorities depends on a variety of factors, including demographic weight, community vitality, institutional development and government support. By broadening the range of services provided in the minority language the federal government and many provinces are acting on the deep commitment of their citizens to the protection of minority rights and the development and improvement of a growing and variable scale of essential services in minority communities.

English-speaking Quebecers have historically possessed and extended an impressive network of cultural and educational institutions and enjoy a strong community life in most regions of Quebec.

In this regard, Canadian public opinion does not always fully grasp the discrepancy that exists in Quebec between the status of French as the only official language and bilingualism as a constitutional obligation in the National Assembly, legislative texts and the courts and as a fact of life in many sectors of the province — in education, social and health services, the workplace, the written and electronic media — to say nothing of the most widespread individual bilingualism in Canada. By and large, English is still far more commonly used and more vigorous in Quebec than French is in the other provinces of Canada. For these reasons, in spite of demographic decline and the frustrations caused by Bill 178, the condition of English-speaking Quebecers remains relatively sound and their willingness to integrate into Quebec's changing society is strong.

The smaller Francophone communities outside Quebec are struggling. Their small numbers mean that it is difficult for public authorities to provide a full range of services and activities in French even when they are willing to do so. However, initiatives such as those taken recently by Manitoba, Prince Edward Island and the Yukon suggest that, even in the case of smaller minority communities, where there's a will there's a way. Also, implementation of Charter guarantees to access to community-managed education in French will no doubt show tangible results. The schools in question often double as community centres and have a revitalizing effect on language use for adults and children alike.

Between 1981 and 1986 in Ontario and New Brunswick (where close to three-quarters of a million Francophones live) assimilation appeared to stabilize or

even recede slightly. The vitality of the minority communities in these provinces is spurred on by the dynamic progress of institutional support for essential services in French. Ontario has initiated substantive changes, among other things, through its progressive French Language Services Act and its educational reforms. And New Brunswick has formalized its reform in a strong body of legal and constitutional guarantees.

The movement that started with the B and B Commission, and which was consolidated in the Charter, is continuing. After more than 20 years of effort our minority official language communities are still a long way from being in an ideal situation. However, it is worth remembering that in many respects Canada and the provinces have moved *well beyond* the recommendations of the B and B Commission and that the initial momentum is by no means exhausted.

V. OFFICIAL LANGUAGES IN CANADIAN SOCIETY

At the same time as the minorities were experiencing this profound transformation in their living conditions, Canadian society as a whole was also being subjected to major changes. One of Canada's best-known analysts of social trends suggests that Canada as a whole has, over time, warmed to the federal bilingualism policy:

> As of late 1989, 58 percent of Canadians endorsed the two-official-languages policy, compared with 55 percent in 1980 and 49 percent in 1975. In every region, there has been a slight increase since the 1970s in the proportion of Canadians who favour bilingualism — a noteworthy trend, given the policy became law only in 1969. In 1987, a comprehensive national survey of fifteen- to twenty-four-year-olds found that 69% of the emerging generation support bilingualism.
>
> Such findings show that bilingualism gradually has been gaining acceptance across the country. The process has been slow with the reception particularly cool in western Canada. Differences by age and education, however, suggest that the level of acceptance could continue to increase with time — unless, with issues such as Meech Lake, the positive trend is sabotaged.[4]

Before attempting to describe this new society it is worth examining how the federal government has tried to modify Canada's linguistic landscape by intervening in several key sectors. Since the time of the B and B Commission, Canadians have understood that progress in personal bilingualism had the greatest chance of success among the younger generations. Despite political and

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[4] Reginald W. Bibby, *Mosaic Madness: The Poverty and Potential of Life in Canada*, Toronto, Stoddart Publishing Co., 1990, pp. 51-52.

constitutional ups and downs an increasing number of parents want their children to learn the other official language. According to a June 1987 survey commissioned by Canadian Parents for French (CPF), an organization that promotes the teaching of French as a second language, 68% of the parents surveyed were favourable to the other official language. In February 1990 another CPF survey showed that this number had risen to almost 75%.

To help the provinces better respond to this need the federal government each year provides funding. This has produced an impressive increase in the teaching of French as a second language outside Quebec; at the primary level the percentage of students learning French grew from 28% in 1970-71 to almost 60% in 1988-89. In Quebec all Anglophone students are enrolled in French second language courses, and Francophone students take English as a second language as of grade 4.

One of the most visible and important manifestations of linguistic duality in Canadian society has been bilingual labelling, which is required by federal legislation and accepted implicitly by Quebec legislation. Since 1974 the packaging of virtually all consumer goods has had to include essential information in both official languages. Despite some rearguard battles, manufacturers often go beyond the minimum requirements and the practice is now general and accepted everywhere, enabling English and French to live side by side on every store shelf in Canada.

No sooner had progress been made on this front than the incredibly rapid computer revolution produced a new challenge for the practice of duality. Most software is created in English; since the use of computers has become almost universal, French is in danger of being relegated to second place in this leading-edge sector of science and technology.

The federal government has reacted on two fronts: it participated, jointly with the Quebec government and the private sector, in task forces designed to encourage the development of French-language software, and it provided financial assistance to companies wishing to become involved in this work. In addition, partly in response to pressures by the Commissioner, the government itself sought to prove that a huge and complex organization is able to use computer technology in both languages. In this regard, the 1988 Official Languages Act is unequivocal; it requires that federal institutions in the National Capital Region and in other designated regions "ensure that regularly and widely used automated systems for the processing and communication of data acquired or produced by the institutions on or after January 1, 1991 can be used in either official language".

As we know, the Act broadened and made more specific the government's commitment to "foster the full recognition and use of both English and French in Canadian society". Part VII of the Act gives the Secretary of State, in particular, responsibilities for encouraging and supporting the private and voluntary sectors;

this is a new responsibility and, in a sense, an entirely new program when compared to the 1969 Act. The Department of the Secretary of State has thus broadened its action over the past two years. It is a little too early to make a full assessment, but matters are now under way and major institutions in the private and voluntary sectors are indicating that they are increasingly sensitive to linguistic duality, even if only from the perspective of better service to customers. However, it is encouraging to note that the Department is trying to help private and voluntary organizations to develop long-term action plans and strategies that will profoundly change their way of operation, rather than being content, as it was towards the end of the 1970s, to pay for a few translations and publish a few brochures recommending the use of both official languages.

This increased sensitivity is most keenly visible in the National Capital Region. Over the past 10 years, the Ottawa-Hull region has continued to develop and has become one in which duality is more visible than anywhere else in Canada. One need only remember what this region was 20 or 25 years ago to realize that a real revolution has taken place. For instance, individual bilingualism has increased significantly throughout this period: over 65% of Franco-Ontarians and French-speaking Quebecers are bilingual, while this is the case for 50% of Anglo-Quebecers and over 20% of English-speaking Ontarians. The percentages are continuing to rise in all four groups.

An increasing number of services are available in both languages in the National Capital Region. Federal services are generally satisfactory and provincial and municipal services are improving. The situation is less satisfactory for commercial signage on both sides of the river and for services provided by the private sector in Ottawa. The Department of the Secretary of State has recently reached an agreement with the National Capital Commission to raise awareness and help the private sector contribute more to making Ottawa-Hull a region that is truly representative of a Canada that respects its linguistic duality.

The federal government's efforts to promote duality in Canadian society are made all the more important by the fact that they are occurring in a general context that is not always favourable to duality. If we are not careful socio-political change could harm a vibrant expression of linguistic duality. Some socio-political trends have become particularly important in the 1980s. They include:

- The massive intermingling of populations has accelerated in every corner of the world, producing new migratory movements; Canada is increasingly becoming the preferred destination of many people from Asia, Africa, the Middle East, Latin America and no longer only from the United States and Europe; these people are more familiar with the facts and requirements of plurilingualism.

- New Canadians more easily find their reflection in the policy of multiculturalism. Even if that policy does not, in principle, contradict linguistic duality,

the growing racial and cultural diversity of Canada could have a negative impact on linguistic duality and the predominance of French in Quebec. Interestingly, there are now two multicultural associations in Ontario that describe themselves as Francophone.

- To social and cultural pluralism we must add economic factors that could act as centrifugal forces; free trade with the United States, which seems to have been only a prelude to more broadly based exchanges throughout North America, could be a powerful factor of continentalization, bringing greater uniformity of taste, life styles and attitudes; linguistic duality, a distinctive characteristic of Canada, could also suffer from this, but the eventual participation of Mexico could continue to make this continent a plurilingual entity where the co-habitation of English and two other international languages should then be exploited to the full.

- In more general terms, national identity could be affected by a breakdown in Canadian structures. The weakening of some bilingual federal institutions which play a key role in the ongoing presence of what we know as Canada — the CBC, Via Rail, Petro-Canada, some airports, etc. — also complicates the situation. Nor should we forget the massive invasion of Canadian culture and media by our American neighbours. The fact that no thought was given initially to exempting some sectors from the goods and services tax — for instance, book publishing — says a great deal about the dangers that surround us and gives us a better idea of the ferment that may weaken the Canadian psyche.

All these factors have produced a pluralistic society and have raised concerns in some segments of the population. These changes, which are upsetting many traditions and long-held values, have spawned protest movements. However, change is universal and we should certainly be capable of *adapting* and preserving our own characteristics.

Contestation over linguistic duality was particularly evident in the last two or three years in political parties such as the Reform Party in western Canada and the Confederation of Regions Party, which is based mainly in the Maritimes. These parties base their action on well-organized pressure groups. These have deep roots, particularly in Ontario where they had their moment of glory during the unilingual municipality crisis in early 1990. This crisis was born of deep and ancient prejudices which claimed domination by the French language, however improbable that may be. Such movements have their counterparts in Quebec (the justification and dialectic being different) among those who believe that duality is a Trojan horse designed to overcome the French language and destroy Quebec's identity. Although, as we have seen, federal action may produce imperfect results, it has had a very positive impact for the French language.

The enemies of linguistic duality often advance the argument of "the costs of bilingualism" and supply baseless figures in support of their position. We need

only mention here that the total expenditures of the federal government on language programs will not exceed $650 million in 1990-91, slightly less than half of which is passed on to the provinces to promote minority official language education and second-language instruction. This sum, though not negligible, represents well under 0.5% of the federal budget (or slightly more than six cents per day per Canadian). In the past 10 years it has dropped in absolute value and one must ask whether it is indeed scandalous to spend a fraction of 1% of the budget on programs designed to consolidate a fundamental aspect of Canadian identity.

Many foreign observers follow our language planning efforts closely. Generally speaking, they have seen over the years a model that is original and might even serve as an example to others. The Commissioner has himself been able to note this type of reaction when he has explained the progress of the Canadian language reform effort in Belgium, Hungary, France, Switzerland, the United Kingdom and throughout the world via the periodical *Language International*. In addition, the Canadian ombudsman model is gaining interest abroad, particularly in developing countries.

Conclusion

The tide of history is often composed of progress, misunderstanding, reversals and ups and downs. The same holds true for the quiet revolution of official languages in Canada. This retrospective has reminded us of the language reform objectives set in motion by the B and B Commission in the quest for equality for our two national languages. It has also identified the results over the years of legislative and administrative reform. To what degree have these objectives been achieved and what conclusions can we draw from them? What challenge must now be met, what partnership formed, to ensure full recognition of Canada's language duality?

a) Recognition of the equality of English and French in federal institutions, particularly in Quebec and in the National Capital Region

Over the years the federal government has stopped being a "linguistically foreign" government for Francophones, especially for Quebecers. This is only as it should be, but we must also remember that it is a success story which long appeared to be an impossible dream. In addition, federal official languages policies, in their struggle for equality, have helped French grow and develop in Quebec and in the rest of Canada, quite contrary to what some people believe.

In Quebec there is no longer any need to ask whether federal services are available in French (which was by no means the case prior to the 1969 Official Languages Act) and it is French that is normally used as the language of work in the federal Public Service in that province. The federal government has also given some attention to the use of French in science, technology and informatics

within the Public Service. The participation of Francophones in federal institutions in Quebec has been so successful that it has led to a major and unfortunate under-representation of the Anglophone community. Lastly, by participating in a host of initiatives as varied as the establishment of specialized terminology banks, the launching of TV5 and the Francophone summit, the federal government has sought to consolidate the linguistic and cultural foundations of French throughout Canada, but more particularly in Quebec.

Renewal within the federal administration was mainly evident in the 1970s, especially in Quebec (as revealed by the small number of complaints we receive) and in the head offices of federal institutions located in the National Capital Region. Significant progress was achieved in the 1980s with respect to the delivery of bilingual services and what might be called certain critical aspects of the federal machine. In this regard, and for many other aspects of implementation of the Act, matters could nevertheless have moved more quickly and penetrated more deeply. From 1982 to 1988 we and many others demanded a legislative and administrative renewal of the language program, a renewal that we considered indispensable to the ideal of equality of English and French proclaimed in the Charter. A new Act was adopted in the summer of 1988 but delays in its implementation still represented a danger for the renewal we had hoped to see. It is only in 1990 that we have seen a "partial thaw". This is less than we hoped for, but much better than no thaw at all. Efforts should continue in all areas, particularly with respect to language of work and imbalances in the representation of members of both language communities in federal institutions.

Year after year, in accordance with our mandate, we analyse the weaknesses that persist with regard to full implementation of the Act. We also scrutinize the determination of the orchestra leader, the Treasury Board Secretariat, to ensure that the Act is fully respected in federal institutions. Even if our recommendations are not always followed, our conclusions are rarely contested. Knowing our activities, some will question the obvious difference between our annual criticisms and the rather positive report presented in this chapter. The paradox is nothing more than appearance. Our evaluations here are yardsticks that measure the long-term evolution of the program, which has experienced ups and downs but whose general movement has been clearly positive.

b) Protection and development of the official language minorities throughout Canada

Spurred on by the federal language reform program, some provincial and many local governments have sought, to varying degrees, to ensure the protection and development of their official language minorities and the recognition of equality of status for English and French as national languages. We have seen that reform of the language program has made a serious contribution by developing momentum and, in more direct terms, by strengthening the situation of the larger official

language minority communities in Ontario, Quebec and New Brunswick. It has also provided major support (education, essential services, the media, community development) for other groups that are fewer in number. Although the battle is by no means fully won, the fact remains that in less than one generation progress in many sectors has far exceeded the most optimistic expectations of most members of the B and B Commission. The long march undertaken by our minorities from theoretical to practical equality has been one of the central themes of recent language debates.

c) Recognition of the existence in Quebec "of a distinct Francophone society" and, subsequent to adoption of the Charter in 1981-82, reintegration of Quebec in the constitutional family

The accelerating pace of history resulted in discussion about the distinct society reaching a new crisis in the past two years. We, like many Canadians, believed that the Meech Lake Accord, by confirming the distinct character of Quebec, would consolidate its sense of belonging in Canada as a whole. The Accord failed and, despite numerous political accommodations over the years, the issue of recognition of the Quebec identity in the Constitution remains unchanged. The crisis we are now experiencing demands that we redouble our efforts to find new options or new arrangements that might respond to this objective which, in our view, is fundamental: full recognition of linguistic duality in all its aspects. To quote the Chinese proverb "When you have ten steps to go, nine take you only half way." However, we should not despair about finding a solution compatible with the continued existence and growth of this country, which offers so much to its citizens.

d) Harmonization of relations between Anglophones and Francophones

In our view, millions of Canadians, both Anglophone and Francophone, still believe in the possibility of a collective movement towards full recognition of linguistic duality which would include, for Quebec, the necessary guarantees it seeks to ensure protection of its language, culture and identity; and, for the official language minorities, better conditions for their full development. Support for this vision of Canada has been confirmed in many surveys. In concrete terms, it manifests itself in a multitude of legislative and administrative measures adopted over the past 10 years with a view to consolidating the delivery of bilingual services in the public, private and voluntary sectors, and by the very strong desire of a large number of parents to ensure that their children acquire a sound knowledge of their second official language.

Language reform has strengthened and broadened individual rights and the collective protection of all Canadians. In terms of the 1988 Official Languages Act, the challenge now is to translate the intent of Parliament quickly and more effectively into concrete action. Canada's ambitious language experiment compares,

in our view, very favourably, both in terms of its scope and the speed with which it has been implemented, with any similar initiatives elsewhere in the world. Despite some setbacks the progress made in the 1980s is by no means negligible: major progress in the legislative area, in minority language instruction, in second-language teaching (particularly French immersion and the study of English in Quebec), in establishing the preponderance of French as a language of work and communications in Quebec and a no less remarkable progress in the generally growing positive attitude that linguistic duality has enjoyed in public opinion across Canada. This is no mean achievement. When placed in its proper historical perspective Canada's language reform program springs directly from a humanist tradition and everyone involved can take pride in its achievements.

We have now reached a major turning point. The challenge is coming, for obvious reasons, especially but not exclusively from Quebec. Whatever the constitutional decisions of the future may hold, these 20 years of linguistic achievements will remain part of the honourable history of Canada's citizens and leaders. As we mentioned elsewhere, our past, present and future are marked by language, whether we like it or not. We therefore hope that no one will ever forget, in the present debate, what we have tried to achieve together, and that we should build on it to strengthen the guarantees for language duality and the protection of the rights of English- and French-speaking minority communities. If we can achieve this common vision for Canada we will leave our children a rich spiritual and human legacy.

PART I

Panorama 90

1. Affairs of State: Uncharted Waters

Like Theseus, our readers may want a thread to help them find their way about in this synoptic chapter of our admittedly voluminous 1990 Annual Report. Let us then simplify the business for them. This chapter is divided into five distinct sections. The first examines linguistic rights as a feature of constitutional reform in the post-Meech era, reviews major achievements in official languages policy and concludes with our proposals for constitutional official languages guarantees. The second section is a review of the major national language issues that made the headlines during 1990. The third section provides our synthesis of the performance of key federal players in implementing the Official Languages Act. The fourth section deals with minority development and promotion of our official languages in Canadian society. Finally, we recap in point form what happened to the 60 recommendations of our 1988 Annual Report.

a. Language rights as part of a constitutional reform

Uncharted waters

Canadians, and Quebecers in particular, are once again asking questions about who they are and whether they can live together. The present crisis is in many ways deeper and more dangerous than it was some 25 years ago, when the Royal Commission on Bilingualism and Biculturalism first set to work. Up to now, language rights have received little attention in the current debate. Yet the way in which this issue is approached may well remain a key element in defining our future together...or apart. We are sailing into uncharted waters, our sense of adventure dampened by the knowledge that ahead lie shoals on which our country may founder.

Meech Lake Accord

When the Commissioner appeared in April before the Special Committee of the House of Commons studying the McKenna companion resolution to the Meech Lake Accord, he reaffirmed his support for recognition of the distinct character of Quebec society and the linguistic clauses of the Accord. However, he recommended inclusion in the Constitution at the appropriate time of the role of the Parliament and Government of Canada not only to protect but to promote

Canada's linguistic duality within its sphere of jurisdiction. It seemed to him that such a provision would merely confirm current practice, which had already found expression in the 1988 Official Languages Act. He also suggested that Section 16(3) of the Charter (which specifically mentions the possibility of progress towards the equality of status or use of English and French in Canada) provided a mechanism for participation of the provinces in their area of jurisdiction, a participation which is essential in ensuring the growth and development of minority communities. He suggested that provincial solutions to the language problems of our minorities must be able to rely on common provisions adaptable to the realities of each one. This still seems like a good idea.

It was in this context also that he welcomed New Brunswick's proposal to entrench in the Constitution the principles of its Bill 88 on the equality of its two linguistic communities.

New Brunswick went on to adopt this proposed amendment to the Constitution Act, 1867 (a new Section, 133A). On June 13 a similar motion to amend the Constitution appeared on the order paper of the House of Commons, where it languished, needlessly to our mind, since the change now only requires the concurrence of Ottawa. We and the citizens of New Brunswick hope that it will be put to a vote soon. It would be a timely reaffirmation of confidence in the future of our linguistic minorities and, more generally, in language duality.

But the Meech Lake Accord is dead. The autopsies conducted since have diagnosed a few of the causes of its demise, not least of which is our Constitution's intractable amending formula. A requirement for ratification by each of the provinces within a three-year limit almost guarantees the failure of any controversial amendment. We calculated that during the last 15 years there were on average nine federal or provincial elections in any three-year period, and one-third resulted in a change of government.[1] It is therefore no accident that the formal opposition to the Meech Lake Accord came from three provinces (New Brunswick, Manitoba and Newfoundland) which had elected new governments after conclusion of the Accord. (New Brunswick later voted in favour of it.) If the evolution of the Meech Lake Accord were examined in this light, the dispassionate observer might well conclude that the view that English Canada was responsible for the failure of the Meech Lake Accord is as mistaken as the belief, albeit in different circumstances, that Quebec was responsible for the approval of the Free Trade Agreement. The people of Canada did not vote in a referendum on either of these issues. What they did was vote in elections where a wide variety of issues were presented and a wide variety of opinions expressed.

We do not as yet have any clear idea of what our constitutional future will hold nor what will replace the defunct Accord. We do know that when the Premiers

[1] See *Language and Society* 31, p. 9.

and the Prime Minister again meet around a table the turmoil of Meech may in retrospect seem almost insignificant. The anxiety of Canadians will in all likelihood be very much greater. That is why they will no longer allow themselves to be excluded from a process that so closely affects their future.

The debate about a new federation is under way and there is no lack of constitutional options. The smorgasbord of proposals includes such basic positions as the status quo, adjustments of jurisdiction within the existing federal structure and a general decentralization of powers. There is also talk of an asymmetrical federation, a confederation of regions, sovereignty-association, common markets, a superstructure and last but unfortunately not least, straightforward independence.[2] When all the permutations and combinations are added to these fundamental choices and when all the economic and social costs are estimated, the possibilities for constitutional *aficionados* and lawyers must seem breathtaking. All this would almost be entertaining, were it not so terribly serious. Even the knowledge that a superpower such as the Soviet Union is beset with equally difficult choices, with incalculable repercussions, provides no comfort.

The arguments about our future are being put before more than half a dozen commissions, forums and committees and more may yet be created. Most of these have, like the Commission sur l'avenir politique et constitutionnel du Québec, stated their intent to consider during their enquiry the particular role and contribution of their official language minority communities. But thus far there have been no specific proposals about the place of language duality in future constitutional equations. Indeed, more than a few people seem ready to throw out the baby with the bathwater and declare among other things that Canada's language policy has failed. Has it?

Major achievements of official languages policy

There are still many signs that the spirit of the B and B Commission is very much alive in the hearts and minds of Canadians. The point can be illustrated simply by enumerating the major linguistic achievements, especially in the last 20 years while recognizing also that there have been problems and setbacks. These accomplishments, imperfect though they may be, are not the fruit of a doctrinaire policy forced by the few on the many, but the result of considerable and concentrated efforts, consented to willingly by a majority of Canadians:

- the right to use English or French in the debates and proceedings of Parliament and of several provincial (or territorial) legislatures;

- the use of English and French in the statutes, records and journals of Parliament and of several provincial (or territorial) legislatures;

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[2] A November 1990 brochure of the Council for Canadian Unity entitled "Looking Forward, Looking Back; Constitutional Proposals of the Past and their Relevance in the Post-Meech Era" provides a handy compendium of current constitutional options.

- the right to use English or French in criminal proceedings throughout Canada;
- the right to receive federal government services in English or French where there is significant demand;
- the right to work for the federal government in English or French in designated areas;
- near equitable participation of English-speaking and French-speaking Canadians in federal institutions overall (i.e., departments, agencies and Crown corporations);
- a National Capital Region that reflects better if still imperfectly the presence of two linguistic communities;
- the availability of English and French radio and television programming across Canada;
- the right to minority official language education in all the provinces and the territories;
- in New Brunswick, constitutional entrenchment of language rights and recognition of the equality of its two language communities;
- second official language instruction for a majority of Canadian children of both languages and immersion instruction for more than 7% of Anglophone children;
- a developing system of federal-provincial support for our official language minorities;
- the right to provincial services in French in designated regions of Ontario;
- the availability of health and social services in English or French in some provinces and territories;
- bilingual packaging and labelling of products throughout the country (at long last considered normal);
- a growing range of private sector and voluntary sector services in English and French;
- substantial encouragement for learning English and French as second languages;
- a better balance in efforts to attract immigrants to both language communities;
- concerted efforts to protect and develop in several areas the weaker of our two official languages, French, and to enhance its status in Canada and abroad;
- far greater efforts by most national media to present the other side of the linguistic coin;

- and, above all, in spite of occasional outbursts of intolerance, continued and growing support for language duality over the years by a majority of Canadians, as demonstrated by numerous public opinion polls.

The didactic purpose of this enumeration is obvious enough. This much progress in such a relatively short space of time *in itself* must be counted as a considerable success. It provides abundant proof of our ability as a nation to meet challenges head on and to adapt in order to survive and grow together as a country. Both these points also argue for the central importance of language reform in constitutional reform. Language duality remains very much at the heart of our national vision.

It is a symbol of our country's democratic values, of our belief in tolerance and fairness. Our language duality is above all about respect and human dignity, about the freedom for the English-speaking and French-speaking communities in Canada to live their lives in their own language, wherever it is possible to do so, with the institutional support of their governments. It is also about the possibility of reaching out to the other language group, of working together in common endeavours for the general good. Is this no longer a noble and realistic ideal? Perhaps we have not had too much language duality but too little...and not long enough. Have we really put enough energy into achieving consensus? Unless the worst happens, language issues will continue to be part of what we are, just like the snow of winter. If our country fails, it will be from lack of vision. Too often we view the simultaneous presence in our land of two of the world's most useful languages as a problem rather than a gift, as an irritant rather than a source of pride.

In our view and in the view of millions of Canadians, the status of our official languages should and will remain an abiding concern during any discussions about constitutional reform. Without consensus on principles and practical arrangements for the growth and development of our two official languages and the people who speak them wherever they live in Canada it is difficult to see how there can be any basis for agreement on a new division of powers. When we examine the viability of alternatives to our present accommodation on these issues, we may well discover that the system we have, with its checks and balances, works as well or better than any untried approach. After all, we did not achieve easily the present imperfect, but improving, equilibrium between provincial and federal involvement in language policy. It came about because it was a political, social and economic necessity, because it was the most appropriate response to historical rights and present circumstances. Our language policy was fought for and won by those who believed in our future together.

A variety of national public opinion surveys conducted in 1990 indicate strong support for Canada's language policy. A February Angus Reid poll on bilingualism shows that 64% of those polled support official bilingualism. Fully 80% of the same people believe that English and French in Canada deserve equal

treatment. An Environics-*Toronto Star*-CTV survey in May revealed that 72% of Canadians think Canada should have two official languages. A post-Meech survey in July conducted by Canadian Facts for the CBC and the *Globe and Mail* shows that 65% of Canadians believe that the federal government should provide services to the public across the country in both English and French. Also, 66% state that having two official languages throughout Canada better represents their opinion than the option of a French Quebec, with English as the sole official language in the rest of the country. Most governments would dearly love to have this high level of support. Led by English- and French-speaking Quebecers and by the young in all provinces our citizens have continued to support our official languages policy in good times and bad.

Paradoxically, the success of the Official Languages Act in most federal institutions has been such that it has all but erased in the minds of French-speaking Quebecers some of the causes of their original dissatisfaction with federal services. We should not, however, expect them to be grateful for achieving belatedly what should have been normal at the outset. Before the 1969 Official Languages Act was proclaimed, service in French from the federal government could not be taken for granted, even in Quebec. Not all the problems have been solved, but few would argue that the situation now is not profoundly different.

As we shall show later in this report (see Part II, Chapter 3), the impact of the Act has been just as significant in terms of the right of the 50,000 federal employees in Quebec to work in French. As the second-largest employer in Quebec, the federal government has made an important contribution to the use of French in the province, without in any serious way compromising the right of English-speakers to use their language. As for the participation of Francophones in the federal Public Service in Quebec, the transformation has been such that the problem now is a significant under-representation of the English-speaking community in federal departments, a state of affairs we have denounced repeatedly.

Nor can federal policy on language be accused objectively of restricting the full development of the French language in Quebec. Admittedly the Supreme Court did strike down a number of provisions of the Charter of the French Language, the most recent being its signage and commercial advertising provisions. However, in that case the Court nevertheless found that French could be required to have marked predominance over any other language. Most of the main thrusts of the province's law were not rendered invalid when the constitutional protection of the rights of the English language were restored. Does anyone seriously believe that providing federal services in English (or provincial services for that matter) in certain regions of Quebec will lead to the anglicization of its Francophone population?

The federal government has also been the Quebec government's partner in many circumstances in promoting and developing the French language through support

for major cultural initiatives like TV5 or the Sommet de la Francophonie. It has encouraged the use of French in technical and scientific fields not only by co-operating with the province in achieving significant progress in the development of terminology but in establishing agencies such as the Canadian Office Automation Research Centre in Laval or the Maurice-Lamontagne Institute in Mont-Joli. Nor does its protection and promotion of the weaker of our two official languages stop at the Quebec border. Through direct and indirect aid to Francophone communities across Canada in the fields of culture, education and social development the federal government has strengthened the fabric of the French language in North America and elsewhere. Far from being the "living dead" (the term used by a distinguished Quebec author who ought to have known better), a large majority of Francophones outside Quebec (almost 20% of all Francophones in Canada) are "consumers" of the French language and its cultural products.

We should also be prepared to factor into this linguistic equation the 1.3 million English-speakers in Canada who, led by the young, have become bilingual. Viewed in this light, the oft-repeated suggestion that federal language policy is some sort of Trojan horse whose purpose is the assimilation of Francophone Quebecers is only slightly less ludicrous that the converse proposition that it is aiding and abetting a French takeover of Canada. Some plot! Some takeover! Journalist Lysiane Gagnon explained succinctly, some time ago, the importance of federal initiatives:

> On the contrary, it can be said that anything that promotes the vitality of the French language anywhere in America is good in principle for the future of a French-speaking Quebec. It can be said, as the directors of the Collège de Saint-Boniface recently told me, that Anglophones who learn French as a second language "become our natural allies." It can be said that, at a time when Quebecers fear their "disappearance", they would be quite wrong to ignore the million Francophones who share the same language and culture. It can be said that even a sovereign Quebec would have to conclude agreements with English Canada concerning the protection of minorities.
>
> It can be said, in a word, that it is suicidal, when we are a small people, to carry on needless jurisdictional quarrels in the area of language, and that it is in the interest of Quebecers to have both Bill 101 and the federal Official Languages Act, even if, theoretically, the two laws seem to be irreconcilable and indeed in conflict. It is simply a question of ensuring maximum protection for French, "wall-to-wall".[3]

As auditors of the language performance of federal institutions, we are the first to recognize that they do not always deliver on their promises in the area of

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[3] Lysiane Gagnon, *La Presse*, November 21, 1989, p. B3.

language reform. Also, we are well aware that the protection of the French language in North America will always be a David-and-Goliath struggle. There are no easy solutions. However, we remain convinced that the federal government has made and will continue to make creditable efforts to give French its due in Quebec, in Canada and in the world.

Principles and practical arrangements

From the B and B Commission onward, the national commissions, task forces and committees that have examined constitutional issues recognized in one way or another that greater language equality would contribute significantly to any viable reform options. However, they also acknowledged that the question of Quebec's distinctiveness as a society had to be addressed as a separate issue. At the same time, some of our most prominent political leaders believed sincerely that greater emphasis and formal equality would do the trick. Many others disagreed, arguing for accommodations that would meet Quebec's specific needs.

Canadians and Quebecers today face a curious paradox. Considered objectively, the status of the French language in Quebec and in Canada has never been stronger. The number of Francophones in Canada and Quebec still continues to increase slowly, in absolute numbers, although not as a proportion of the Canadian population because of low immigration. Yet, due to a low birth rate and because of the ever stronger influence of English in North America and the world, Francophones in Quebec and elsewhere in Canada are deeply worried about the fragility of their language and culture. They fear that unless drastic measures are taken they soon will reach the point of no return. These perceptions about their survival, and more generally about the social and economic viability of Quebec within Canada, have led an ever growing number of Francophone Quebecers to question or renounce their allegiance to Canada. Many want a new Canada. Others are opting for a more radical solution: sovereignty with or without association. The question now is to determine whether agreement on principles and practical arrangements between Quebec and Canada are possible or whether the differences are irreconcilable. Where is the common ground? Are we, as inheritors of the same geography, a shared history and the same democratic principles, powerless to find the means of agreeing on a basic set of values and social objectives that would work together for the good of all?

The philosopher Jacques Maritain once explained how proponents of very different ideologies had managed to agree on the draft of a list of rights at a UNESCO meeting:

> "How," I asked, "is an agreement conceivable among men assembled for the purpose of jointly accomplishing a task dealing with the future of the mind, who come from the four corners of the earth and who belong not only to different cultures and civilizations, but to different spiritual families and antagonistic schools of thought? Since the aim of UNESCO is a practical aim, agreement among its members can be spontaneously achieved, not on com-

> mon speculative notions, but on common practical notions, not on the affirmation of the same conception of the world, man, and knowledge, but on the affirmation of the same set of convictions concerning action. This is doubtless very little, it is the last refuge of intellectual agreement among men. It is, however, enough to undertake a great work; and it would mean a great deal to become aware of this body of common practical convictions."[4]

If Canadians from east to west were to try to develop a common "set of convictions concerning action" or a "body of common practical convictions", it is just possible they could find a great many reasons to stay together as a country. We could, for example, begin by asking ourselves what we want for our children and how this will best be achieved. If we have the courage to think only of the future and to think only of action that will make that future better for all of us, we may yet find a way out of the constitutional labyrinth. In particular, how would principles and practical arrangements regarding language duality and minority official language rights be expressed? From our vantage ground, the following proposals for constitutional official languages guarantees make sense.

Proposals for constitutional official languages guarantees

The Office of the Commissioner has always been interested in the linguistic aspects of the Constitution and its reform, particularly in regard to the status of the official languages and the right of linguistic minorities to have their children instructed in their own language, out of public funds. In 1980 the then Commissioner, Maxwell Yalden, made a presentation on this subject to the Special Joint Committee on the Constitution of Canada. Moreover, the language rights enshrined in the Canadian Charter of Rights and Freedoms and the experience acquired in implementing them formed the basis for the new Official Languages Act of Canada, passed in July 1988. Parts I to V of this Act enjoy primacy over other federal acts (except for the Human Rights Act). Finally, in the Mercure decision in 1988 the Supreme Court observed that language rights "are a well-known species of human rights and should be approached accordingly".

Three groups of provisions concerning language are entrenched in the Constitution of Canada: 1) those set out in Section 133 of the Constitution Act, 1867, dealing with the right to use English and French in debates and proceedings of Parliament and the Legislature of Quebec and the obligation to use English and French in the statutes, records and journals of the Parliament of Canada and Legislature of Quebec and the use of English and French in the courts federally and in Quebec; 2) similar provisions in Section 23 of the Manitoba Act, 1870, applying to the Legislature and courts of Manitoba; and 3) those set out in Sections 16 to 20 of the Canadian Charter of Rights and Freedoms. The Charter enshrines federal and New Brunswick bilingualism in three spheres (parliamentary, legislative and judicial). The inequality of treatment of official bilingualism at the

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[4] Jacques Maritain, *Man and the State*, University of Chicago Press, 1951, pp. 77-78.

provincial level presents a particular problem. It will be recalled that the Pepin-Robarts Task Force on Canadian Unity (1979), in a spirit of fairness and equality, had proposed the idea of doing away with the provisions of Section 133 and asking the provinces to ensure by means of legislation appropriate protection of their respective minorities. The alternative would be to provide for different categories of language rights in the Constitution, some of which would apply to all provinces. We had recommended this solution to the Special Joint Committee on the Constitution of Canada in 1980.

The Charter also guarantees the right to communicate and to receive services in English and in French from the federal government and the government of New Brunswick and the right to receive instruction in the language of the minority in each province and the territories wherever numbers warrant (Section 23). With regard to the latter right, a particular provision of the Constitution Act, 1982, recognizes the special situation of Quebec by making the coming into force of Section 23(1)(a) (mother tongue criterion) subject to authorization by the legislative assembly or government of Quebec. It is worth noting that the language clauses of the Charter were deemed so important that they were exempted from the so-called notwithstanding clause which, in the face of protest, can be used to suspend the operation of certain fundamental freedoms and certain legal guarantees.

Section 91 of the Constitution Act, 1867, which is still in force, contains a list of exclusive federal legislative powers, and Sections 92 and 93 one of exclusive provincial powers, while Sections 94(a) and 95 set out certain powers shared jointly by both orders of government. Although language is not mentioned in these sections, it constitutes in law, as confirmed in a 1988 Supreme Court decision, an area of shared powers and, indeed, a power incidental to the other powers of each order of government, except in respect of the language provisions enumerated earlier.

Accordingly, any redistribution of powers between the two orders of government will be such as to entail direct consequences for certain language rights. Even if the most extreme solutions are set aside, this is far from being a mere hypothetical situation. It has been suggested by some that Quebec should be wholly exempt from the application of the Canadian Charter of Rights and Freedoms, including its language provisions — and rely solely in this area on its own Charter and on possible reciprocity agreements with other provinces.

The Commissioner's position on constitutional changes

The equality of status of the two official languages, as set out in the Canadian Charter and in the Official Languages Act, was established first and foremost, we believe, with the aim of ensuring a balance between the two languages, since French had not achieved a sufficient degree of recognition compared to English in public institutions and in Canadian society. These provisions would protect the minority communities of both national languages, while recognizing in the area of education, and eventually in other areas, the asymmetry between the actual situation of the two languages. Naturally, considerations affecting Canada

as a whole also enter into the striving for equality of the national languages: the collective enrichment resulting from the symbiosis of two languages and their cultures, an appropriate status for the principal aboriginal languages, our aboriginal and multicultural and multilingual heritage, the value and appeal of two great international languages, and so forth. The federal commitment in the Act to the promotion of English and French in Canadian society was also a means of achieving some of these ends.

Thus, the English and French language minorities in Canada had obtained over time recognition of their historic right to be protected in terms of education in their language provided out of public funds and in terms of bilingual federal government services. Moreover, some provinces have confirmed constitutionally or legislatively, in accordance with their specific circumstances and variable formulas, their obligations with respect to their minorities and the rights of the latter.

However, in order to achieve an equality of rights that would be more than theoretical, it was also important to acknowledge that Quebec has special needs with regard to language in a number of areas under its jurisdiction and in certain other areas closely related to its development, linguistically and as a society. This is what prompted us to take a position, from the very outset, as well as later, in favour of the Meech Lake Accord, which received the unanimous endorsement of the federal and provincial governments in June 1987.

Since the language rights of individuals and the communities they form are a well-known species of human rights, we believe they should not be altered in the event of a new division of powers, unless the purpose is to improve them. In our 1988 Annual Report we called for additional constitutional guarantees for these communities. We asked the federal government to propose to the provinces the adoption, at a future constitutional conference, of a formula designed to support the development of English and French language minorities and to reduce the current imbalances in the status of English and French across Canada by extending services to their minorities in the appropriate language.

In our view, the following principles should form part of any new agreement leading to a redistribution of powers or a decentralization, even a thoroughgoing one, of constitutional powers and sovereignties:

- The two national languages should be recognized as fundamental characteristics of Canada while retaining their status as Canada's official languages.
- The central government should continue to recognize the equality of status of English and of French in all its agencies and for all its powers, as well as its obligation to promote this equality in Canadian society.
- The two principal orders of government in Canada should acknowledge that the existing language rights of Canadian minorities constitute fundamental

and inalienable human rights; these include minority language education rights, the right to use either English or French before federal courts and the right to a trial in the official language of one's choice in criminal proceedings anywhere in Canada, the constitutional provisions relating to official languages in New Brunswick, and other provincial or territorial legislation protecting minority rights.

- The obligations concerning the legislatures, statutes and courts set out in Section 133 and similar provisions that apply to Quebec and Manitoba as well as to New Brunswick would also henceforth apply to Ontario, which is home to the largest Francophone provincial minority. These obligations would merely confirm legislative provisions currently in effect. New Brunswick's Bill 88 on the equality of its two linguistic communities would be enshrined in the Constitution, as requested by the provincial legislature.

- In addition, an official language minority code would propose measures that take into account the respective situations of these minorities in terms of access to a varying range of services, such as health and social services, certain services offered by public authorities and legal, judicial and correctional services.

- Such a code would allow for progress towards equality by making it not only possible but desirable for individual provinces to opt in to its provisions. The rights thereby acknowledged and freely granted would be enshrined in constitutional documents that could be amended thereafter only with the concurrence of the federal government and that of the province concerned.

Such an opportunity afforded to all provinces would, at least at the level of principle, do away as much as possible with the double standard which has plagued English-French relations in the past. It would be a modest contribution to accommodation between the English-speaking and French-speaking communities of this country based on a body of common practical convictions about required action. It would not be much, but it would provide grounds for a commitment to work together for the common good which would include "les différences".

It does not seem advisable to us at this time to envision a situation verging on the breakup of the country, even if that eventuality seemed nearer at hand. Courageous and right-minded people cannot fail to agree that the human reality of the current entity that is Canada would be no different. In our opinion, the right tack is to hold to the principles set out above, insofar as possible. Indeed, who would gain from the weakening or the loss of historic communities that contribute so much to what we are, communities that have fought with such courage and steadfastness to develop and protect their rights?

In November 34 heads of state and government leaders of the countries that participate in the Conference on Security and Co-operation in Europe East and West

met formally in Paris to sign what has become known as the Charter of Paris. This document sets out the ideals of a new European community. Reaffirming their faith in the democratic process, these countries declared:

> We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

If the 34 countries with very diverse traditions and values can agree on a body of common practical convictions concerning the rights of minorities, surely the jurisdictions that make up Canada can do no less.

b. National issues

Although historians will no doubt remember 1990 as the year of the failure of the Meech Lake Accord, there were many other national issues with language implications. In this section we review several that made headlines, from the spate of unilingualism declarations by municipalities to national identity questions such as CBC cuts, the relationship between bilingualism and multiculturalism and bilingual labelling. This is followed by a brief commentary on the Supreme Court decision on minority education rights and the status of the Northwest Territories Official Languages Act and a description of census data on official languages. An account of the activities of the Joint Parliamentary Committee on Official Languages brings this section to a close.

Unilingual municipalities

We are used to seeing language questions preoccupy federal and provincial governments, but in 1990 even municipal politicians were embroiled in language debates. The issue came to the fore early in the year largely as a result of an organized campaign by the Alliance for the Preservation of English in Canada (APEC). It convinced several small municipalities that Ontario's French Language Services Act would impose upon them a requirement to provide bilingual services. The Act is, in fact, intended to ensure that provincial agencies provide services in French in designated areas. The provincial cabinet may designate any area where 10% or more of the population is French-speaking or a city or region where the French-speaking population numbers 5,000 or more. The law clearly states that these government agencies do not "include a municipality, or a local board as defined in the Municipal Affairs Act". It does, however, allow municipalities to provide services in French. In fact, the 1988 *Report of the Task Force on Municipal Services in French* made clear that municipal services in Ontario remained "local choices" and that services in French should be promoted where these are "deemed necessary or appropriate by the municipal council."

APEC was slow to concede that the law does not oblige municipalities, even in designated areas, to provide services in French. It had hinted that Queen's Park

was planning to extend the obligation to municipalities and warned ominously in a letter to municipalities, "Don't wait until municipalities have no options." The material it sent to municipal officials even enumerated the French-language service obligations that would be imposed. The impact of this campaign on poorly informed municipal politicians was clear. One reeve interviewed by the *Toronto Star* after an APEC presentation to council said, "I was shocked, nobody had done any research, nobody had prepared any studies on what the government's plan would mean, yet here was this group before us, full of horror stories about how we would all have to learn French. It was appalling."[5] Incensed by Quebec's Bill 178 and indifferent to the positive aspects of Quebec's treatment of its English-speaking minority, members of APEC did not shrink from invidious comparisons.

By March 1990, 64 of the 839 Ontario municipalities had declared themselves unilingual. Most, with the notable exception of Sault Ste. Marie and Thunder Bay, were small communities. Since these communities did not offer services in French prior to adopting the resolutions it might be argued that nothing had changed. But it was precisely the gratuitous nature of their gesture which was so offensive to Francophones in Ontario and elsewhere. The resolution adopted in Sault Ste. Marie in particular drew national attention. Although these resolutions remained primarily an Ontario phenomenon, a small number of towns outside Ontario also got on the unilingual bandwagon. (See Part IV, Chapter 2.)

For several weeks the media focused much of its attention on the unilingual resolutions. The French media in particular gave perhaps excessive play to footage of a few misguided people in Brockville (but not from the town) trampling on the Quebec flag. This incident had in fact occurred in September 1989, several months before the Sault Ste. Marie issue arose.[6] Coming apparently in the wake of unilingual resolutions, the impact of a few seconds of mindless, unfocused protest about things French was enormous in Quebec, where it served to exacerbate rising language tensions in the final months of the Meech Lake Accord. To Quebecers this was hate and rejection made visible and palpable, forgetful of the fact that the Canadian flag had at times been subject to similar indignities by demonstrators in their province.

An apology for the incident issued by clergymen in Brockville received good media coverage in Quebec but a wider and significant story went largely untold. Little was reported at the time about the voices of tolerance in business and labour among multicultural and human rights spokespersons and municipal leaders. Seventeen municipalities rejected unilingual resolutions, and more than 30

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[5] South Crosby Township Deputy Reeve Don Warren, quoted in the *Toronto Star*, July 1987.

[6] In November 1990 a two-part feature on the CBC's "The Journal" showed how this incident had occurred in the fall of 1989 and the damaging results of its presentation in March 1990 on Radio-Canada's "Le Point".

municipalities are committed to providing services in French. These include the largest Francophone communities in Ontario.

While our 1989 Annual Report related only the initial (and at that point isolated) unilingual declarations, the Commissioner spoke out energetically when the full extent of the movement was revealed early in 1990. In February he issued, prior to publication, a stinging *Language and Society* editorial on the unilingual movement which was extensively reprinted in newspapers across Canada. He also gave over 30 interviews to the print and electronic media, including CBC's "The National" and Radio Canada's "Le Point", and denounced the matter before the Joint Parliamentary Committee on Official Languages.

In reaction, on February 15 the House of Commons reaffirmed its commitment to support, protect and promote linguistic duality in Canada. Many of Ontario's major municipalities were quick to condemn the resolutions publicly, including the mayors of Etobicoke, Hamilton, London, Ottawa, Toronto and Windsor. At a meeting on August 2 the Association of Municipalities of Ontario, which represents 706 municipalities in the province, overwhelmingly reaffirmed its recognition of Canada's two official languages. The Eastern Ontario Mayors, Wardens and Reeves (and Secretaries) Conference also unanimously denounced the unilingual resolutions. And a statement by the Federation of Canadian Municipalities reaffirmed its policy on official languages in Canadian municipalities, stating that "all Canadians and Canadian institutions and especially our three orders of government should act with tolerance, civility, amity, and generosity throughout Canada with regard to official language rights."

The momentum had clearly shifted by the time Ontarians went to the polls in September. While a few lonely zealots still wanted to make the world safe for unilingualism, most Ontarians seemed content to confine the issue to an embarrassed silence. Yet the story of Ontario's unilingual resolutions is also a cautionary tale. Behind the rhetoric of fiscal responsibility and the half truths lies a more chilling reality. For a brief moment the mask of civility that we Canadians wear so successfully slipped, revealing the dark side of our national character. It is not new, nor will it go away as quickly as it has faded from the front pages of our newspapers. Long after, we will have to live with the memory that the French language could be likened to the AIDS virus to the cheers of people not so very different from those on main street in any Canadian town. That is part of the bitter legacy which stands between us and our illusions of tolerance.

Quebec's reaction to the failure of the Meech Lake Accord

The death of the Meech Lake Accord caused something of a catharsis in Quebec society. Speaking to the National Assembly on June 22 the Premier of Quebec declared: "English Canada should understand very clearly that, no matter what is said or done, Quebec is now and always will be a distinct society, free and capable of assuming its destiny." On June 24, St. Jean Baptiste Day, tens of thousands of citizens of the province marched in Montreal to proclaim their pride in

being Quebecers. A few days later the Quebec government began discussions that led to the creation of the Bélanger-Campeau Commission on Quebec's constitutional future. It became obvious that the turbulent spring would be succeeded by a long hot summer.

The Oka crisis

Coming when it did the so-called "Oka crisis" did nothing to pour balm on old wounds. Many Quebecers felt that the English media had been less than impartial in covering the numerous incidents at Oka. They suspected that in some instances the recriminations of Meech Lake were being played out surreptitiously at one remove. Perceptions, as we know, can often be more destructive than facts. We can only hope that with time the anger and frustration will subside and that the paths of dialogue will once more be free and open.

Canadian identity

A long, shared history, common values and the conviction that we can do great things together in the future are what characterizes (or should characterize) our identity as Canadians. Because of our geography, language duality and cultural differences, our sense of ourselves must constantly be renewed, promoted and nourished. This is particularly true as we adjust to the Free Trade Agreement. Concerted efforts to promote "Canadian content" and regional perspectives in books, magazines, the performing and visual arts and especially in radio and television programs are legitimate instruments for the preservation of our identity. On this front, the news this year was dispiriting. It would be fascinating — or would it? — to find out what happened to the Cabinet committee on national identity. It was set up after the last federal election ostensibly to do something about this issue. Unless we have missed something, it may yet win a Genie award for the most discreet committee in the entire federal government. Yet we are reliably informed that its chairman worked long and hard at it.

GST and reading materials

The Goods and Services Tax, which became law at the end of the year, was one of the most passionately debated parliamentary issues in recent years. No one likes taxes. The application of the GST to the cultural products which help protect and sustain our identity was cause for concern and anger, particularly among writers, publishers and booksellers. Canada's English-language and French-language book and periodical industries have always been rather fragile flowers, in part because of the relative size of the English and French markets and in part because of strong competition from publishers in Britain and the United States on the one hand and in France on the other.

The most vocal opposition in English Canada to application of the GST to reading material came from the Don't Tax Reading Coalition. It sponsored, among other things, a write-in campaign to the Prime Minister. In Quebec the Coalition contre toute taxe sur le livre strongly voiced similar grievances. The Quebec group was particularly incensed because it faced a double whammy when the Quebec government quickly agreed to harmonize its provincial sales tax with the federal GST. Accordingly, books and periodicals would now be taxed at the

provincial level as well. Both coalitions argued that these measures would seriously harm or indeed bankrupt smaller booksellers and publishers in the short term and create permanent damage to our cultural fabric in the long run.

The spokesperson for the Don't Tax Reading Coalition, Jackie Hudson, pleaded: "If Canada imposes the GST it will be the only country in the world to adopt such a culturally regressive policy. One of the things that gives us a sense of identity is how we see ourselves in print."[7] In September Quebec's Conseil consultatif du livre urged the province's Minister of Cultural Affairs to take action to protect an already very vulnerable industry: "The Conseil believes it is urgent that the Quebec government support Quebec industry by removing the tax on books and by exerting pressure on the federal government to do likewise. The future of Quebec books depends on this."

There were signs towards the end of the year that these pleas had not gone entirely unheeded. The Prime Minister spoke of seeing what could be done after the GST was adopted and the Minister of Communications hinted at the possibility of subsidies. The Quebec Minister of Finance at first allowed that he would not tax books if Ottawa did not. Finally, in November, he agreed to rebate the provincial tax. It is urgent that the federal and provincial governments look at ways of working together to protect and ensure the development of an indigenous Canadian book and periodical trade in English and French. It would be penny wise and pound foolish not to do so. The federal government should consider setting up a task force or other mechanisms to evaluate and report quickly on the linguistic and cultural dislocations created by application of the GST and propose compensatory measures.

CBC cuts

Cast in the uncomfortable role of the grinch who stole Christmas, on December 5 the president of the CBC, Gérard Veilleux, announced devastating cuts to cover a financial shortfall of $108 million for the fiscal year beginning April 1, 1991. Not only would some 1,100 jobs be lost, but hundreds of hours of local and regional television programs were being cancelled, three local television stations would close and eight more would be reduced to the status of bureaus. The Corporation will also cease to bear the cost of operating the English- and French-language parliamentary channels and the multilingual, but predominantly English and French, Radio Canada International. New arrangements to ensure the survival of these last two services were being sought if foster parents cannot be found for both.

The Corporation had already cut $35 million and nearly 500 jobs in 1990. The shortfall for 1991-92 is due to the ongoing impact of the federal government's expenditure reduction program ($32 million), lack of funding to offset inflation

[7] *Toronto Star*, July 19, 1990, p. B1.

and new taxes ($18 million), declining advertising revenue ($30 million), contributions to the CBC pension fund ($12 million) and new costs for existing operations ($16 million). There is more pain to come, since the Corporation expects a further shortfall in operating resources of some $50 million by the 1992-93 fiscal year. The CBC vowed that it would nevertheless remain "a balanced, national public broadcasting service."

In spite of the brave front put on by CBC executives, it is hard to believe that the Corporation will be able to fulfil its current basic mandate. Canadian identity, we fear, cannot be promoted by showing "Dallas" and "L.A. Law" in English and French. The CBC must have a strong national and regional presence. Regional programming has been slashed to such a point that it may never recover. It is hard to decide whether the majorities or the minorities are the hardest hit. Many of our minority communities had already been living on a subsistence diet. They now feel that they have been cast adrift, told in no uncertain terms that their sense of belonging, their vitality, does not count in the larger scheme of things. In terms of broadcasting, the people who live outside the largest metropolitan areas have been made second-class citizens.

Gilles Lesage, writing in *Le Devoir*, expressed the frustration and anger of many:

> At a time when Canada is searching for a reason to survive, when Quebec is passionately pondering its political and constitutional future, the implementation of such a dismal scenario for the CBC is enough to infuriate and discourage even persons of the most indulgent good will. It comes in the worst possible manner, at the most inopportune time possible.
>
> As a technocratic mess, cold and brutal, it has no peer. It is a fist in the face, a tragedy for whole regions, a step backward 30 years.
>
> The mayor of Quebec City, Jean-Paul L'Allier, is perfectly correct. "The senseless cuts announced by the CBC are nothing less than the denial of the fundamental right to have tools of cultural creation and dissemination capable of reflecting the individual personality of each region of Quebec. In the era of free trade and the threat of invasion of Canadian and Quebec cultural space by American television productions, this decision is a short-sighted and irresponsible policy choice whereby the rationalization of costs leads to the abandonment of the CBC's mission."[8]

For generations, the CBC has played a vital role in explaining and illustrating the cultural and social values we share. It has mirrored our soul and shown us that in spite of our regional and linguistic differences we are Canadians. If the CBC slowly withers, who will be our voice?

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[8] Gilles Lesage, "Un jour noir pour Radio-Canada", *Le Devoir*, September 7, 1990, p. A-8. Our translation.

We had recommended in 1988 the adoption of measures to support the efforts of cultural agencies to protect and promote the identity and the linguistic and cultural integrity of Canada. In the case of the CBC the government has failed miserably. It has nickel-and-dimed one of our most vital public institutions. The government should seriously consider the advice given by Keith Spicer, then Chairman of the CRTC, in a speech to the Empire Club of Canada on May 24, 1990:

> I encourage the government to continue and deepen its meditation on the CBC's unique role in our country. It's hard for any government to love any CBC — "you fund them," grumble politicians of every era, "then they slam you on the news every night!" But beyond this normal human reaction is an argument of long-term self-interest for all governments. It's this: those sometimes irritating characters at the CBC, over time, can play a decisive role in making Canadians cherish Canada — and therefore in getting them to support leaders, of any party, who try to keep Canada whole.
>
> That's why all Canadian governments need the CBC very badly. And that's why federal governments should look for ways detached from day-to-day annoyances or conflicts to fund the CBC adequately, predictably and generously.

Broadcasting

Bill C-40, the government's second attempt to revise the Broadcasting Act, was introduced in the House of Commons in October 1989 and spent all of 1990 there before being sent to the Senate just before Christmas[9]. In February the Commissioner reminded the legislative committee of the House examining the Bill of his longstanding concerns about improving broadcasting services to official language minority communities, as noted in our 1988 Annual Report. He pointed out that the bill included no provision which would ensure that minority language communities now unable to receive over-the-air broadcasts from the CBC would soon receive such services. And as for the carriage of minority official language broadcasting by cable television, he noted that the Bill failed to provide for an explicit commitment to choice in minority language programming through the regulatory powers of the CRTC.

The past few years have seen considerable growth in the number of programming services available on cable. But in regions where the minority official language community is small there has often been little or no increase in the choice of minority language programming, especially in the case of Francophone minorities. It should be remembered that the scarcity of minority language programming affects not only the minorities themselves but also the members of the majority community who wish to maintain or expand their knowledge of the other official language. As well, a growing number of students are learning

[9] The bill received royal assent early in February 1991.

French as a second language; a choice of broadcasting services in French will help them maintain their skills.

Will the CRTC be encouraged to review the existing policy, which in effect says that even in areas where there is a total absence of over-the-air minority language broadcasting, one minority language programming service on cable is enough? And as the number of majority language services on cable systems increases will the CRTC continue to believe that one minority service is enough? Will it hold that a ratio of 50/1 or 100/1 is satisfactory? The Commissioner recommended to the committee that the new law leave no doubt that cable television should reflect at least in some measure the duality of the country. It should ensure that cable systems offering a wide range of majority language services also offer at least some choice of programming in the minority official language. In short, we would like to see the CRTC regulate with imagination to "support the development of English and French linguistic minority communities and generally advance the equality of the English and French languages within Canadian society", as the Official Languages Act enjoins it to do.

Bilingualism and multiculturalism

A bill to establish a new Department of Multiculturalism and Citizenship as well as a bill to create a Heritage Language Institute were before the Senate at the end of 1990 and may have become law by the time this report is printed. These initiatives, which follow in the wake of the Multiculturalism Act of 1988, seek to make Canadians more aware of their cultural diversity. We have often argued that language duality and multiculturalism are complementary policies and that both will owe their success to the virtue of tolerance. The people who reject the ethnic and cultural pluralism of Canada are often the same people who oppose language reform.

When the Commissioner participated in the Fourth National Conference on Multicultural, Intercultural and Race Relations Education in November 1990 he reminded delegates that multicultural and intercultural education are essential to enable young people to learn and accept the fundamental equality of all Canadians. However, any policy of intercultural education would be incomplete if it did not also provide a full understanding of the history and demography that justify our having two national languages. These languages are the principal vehicles of two fundamental cultures. English and French are the loom on which our national tapestry is woven. The English and French cultures in Canada have evolved over time and have developed a distinctive North American flavour. It is worth stating clearly that they are at the core of the concept of multiculturalism and that the other cultures which find expression in Canada naturally live in a symbiotic relationship with them. Taken as a whole, this dynamic convergence is what constitutes Canadian culture in the singular.

Educational efforts aimed at the harmonization of our linguistic and cultural heritage also should ultimately focus on our identity as Canadians and should not be

limited to the schools. It is important for all citizens to achieve a sense of shared purpose and values. We are still waiting for action on the recommendations contained in our 1988 Annual Report about a promotional campaign to explain the relations between federal policies on official languages and multiculturalism. Time may yet prove that sins of omission are entirely as dangerous as the other more prosaic kind. Our national government cannot content itself with repeating platitudes about diversity, duality and enrichment. Canadians are entitled to see the larger picture the "mosaic" will form. For the time being, the national objectives being pursued are not clear. They should be.

While seeking to preserve their original languages, immigrants to Canada quickly discover that English and French are in varying degrees the national languages of communication in which our political, economic, educational and social life is conducted. Their desire to learn one or the other or both is intense. Unfortunately, in a period of fiscal restraint the school systems in several provinces have not been able to keep pace with the special demands created by the arrival of more and more children and adults requiring specialized instruction in English or French as a first official language. A report of the Canada Employment and Immigration Advisory Council states:

> Many studies indicate that language training is, probably, the single most important issue directly affecting the integration of immigrants into the Canadian mosaic. As well, lack of adequate language training for immigrants results in loss of realization of immigrant potential both economically and socially.[10]

The Council among other things calls on the federal government and the provinces to ensure better co-ordinated language training programs and suggests that "both federal and provincial levels...provide a flexible range of language learning services that are consistently of high quality and geared to the varied need of newcomers."[11]

The five-year, $332 million power-sharing agreement on immigration reached between Ottawa and Quebec at the end of 1990 affords a positive example of co-operation in ensuring the integration of immigrants while taking fully into account the special requirements of Canada's linguistic duality. The agreement, which comes into force on April 1, 1991, respects the particular needs of Quebec in giving it the power to select independent immigrants and to ensure their linguistic and economic integration into Quebec society. The province hopes to recruit more French-speaking immigrants and to provide greater access to French-

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[10] Canada Employment and Immigration Advisory Council, "Immigrants and Language Training". Paper presented at the Symposium for Immigrant Settlement and Integration, Toronto, Ontario, May 28-29, 1990, p. 1.

[11] Ibid. p. 23.

language training for immigrants who do not speak French. Other provinces are also in the process of negotiating immigration agreements with Ottawa.

While encouraging immigrants to learn English or French, the federal and provincial governments are also called upon to promote the preservation and development of "heritage languages". Worthwhile in its own right, such promotion also makes strong economic sense. Who can doubt that in an era of global trade, our competitiveness will not be enhanced if we can draw upon the language skills as well as the cultural and social savvy of hundreds of thousands of polyglots? Paying lip-service to the development of such skills is not good enough. For example, even a few months ago who would have predicted that the Ukraine, with its population of some 51 million, might become a significant trade partner to Canada? Who would doubt it now and who would argue that linguistic and cultural affinities with it will not help open doors? In 1986, in Canada as a whole, the rate of English-French bilingualism was higher among Allophones than among Anglophones. In short, if two languages are good, three or four may be even better.

Privatization

The privatization of federal institutions was the subject of debate again this year. Two bills were tabled in Parliament in the fall to privatize Petro-Canada (Bill C–84) and certain airports (Bill C-85). Our concern in this regard is that the government ensure appropriate protection for what has often been hard-won progress in official languages. As a minimum we argued that detailed impact studies of the linguistic consequences of such actions should be conducted. In the case of Petro-Canada this was not done and one of the more recent emblems of Canadian sovereignty in the energy field can now be sold off, with few linguistic strings attached. Yet Canadians paid dearly to make this company one of the unifying symbols of our national identity. (A fuller account of privatization initiatives appears later in this chapter.)

Free trade and bilingual labelling

The Consumer's Association of Canada, the Grocery Products Manufacturers of Canada and citizens across the country continued to voice concerns about the growing number of imported products, particularly food products from the United States, which find their way onto store shelves with labels which do not meet Canadian requirements that a basic minimum of information be presented in both official languages. Quite legitimately, they believe that failure to meet Canadian standards in this respect is tantamount to unfair competition. It also shows a flagrant lack of respect for Canadians and our national identity. While the Department of Consumer and Corporate Affairs and Canada Customs have taken new measures to ensure compliance, these do not appear sufficient to stem the tide.

Since nothing in the Free Trade Agreement prevents Canada from setting standards for the labelling of goods, we confess to being baffled by the government's inability to ensure more uniform application of the law. We hasten to add that the

requirement for bilingual labelling is not some villainous plot hatched in Ottawa to deprive some Torontonians of their favourite imported candy, but a sensible effort to inform and protect consumers. Failure to ensure respect for our packaging and labelling regulations may indeed put the health, safety and security of Canadians at risk. Bilingual labelling is an important practical and symbolic feature of our country's language duality. This said, there is an obvious need to better inform small retailers on these requirements and the details of their implementation to avoid "Babes-in-Toyland" re-enactments of the Plains of Abraham. The law is sensible; it must also be explained sensibly.

Supreme Court decision on minority language rights

When the Supreme Court of Canada ruled in March 1990 in the Mahé case on the interpretation of the minority language education rights set out in Section 23 of the Charter of Rights and Freedoms, it established a veritable code of ethics on the issue for the provinces. The Court unanimously recognized that the general purpose of Section 23 is to preserve the two official languages of Canada and the culture they represent and to ensure that each language can flourish in each province. The means the legislator had devised to ensure this was to grant the right of official language minorities to educate their children in their own language everywhere in Canada. The education provisions of the Charter were designed to be remedial, to correct the progressive erosion of our official language minorities and to give effect to the concept of the "equal partnership" of the two language groups in education. The Court was sensitive to the role minority schools play, noting that "minority schools themselves provide community centres where the promotion and preservation of minority language culture can occur; they provide needed locations where the minority community can meet and facilities which they can use to express their culture."

In order to achieve this, Section 23 grants a general right to instruction. There is, however, a "sliding scale", the upper level of the range of possible constitutional requirements being, where numbers warrant, the right to receive instruction in minority language educational facilities provided out of public funds and managed by the minority. The lower end of the scale is the simple provision of instruction. The Court unequivocally assigned to the provinces the responsibility for creating equitable and workable systems. The importance of this decision for our minorities cannot be overestimated. They have at least been given a fighting chance. As the Court suggested, Section 23 "represents a linchpin in this nation's commitment to the values of bilingualism and biculturalism." The Supreme Court's decision is examined at length in Chapter 3.

As an intervenor in the Mahé case and in several other Section 23 challenges in past years, our Office has always insisted on the importance of a comprehensive and structured approach to implementation of Charter guarantees of minority language educational rights. The unanimous decision of the Supreme Court on this issue strikes us as a vindication of the efforts of thousands of minority language parents who, since 1982, have sought to have the principles of Section 23

clearly spelled out. The scope of their right to management and control over the educational facilities in which their children are taught is now clear. We can only hope that there will be no further delays in implementation. At the same time, we are conscious of the fact that litigation is not always the best or most efficient means of resolving practical education problems. That is why this Office sometime ago commissioned a detailed study setting out the scope of Section 23 and the issues associated with its implementation across Canada and examining existing and proposed minority school management models. This study will, in all likelihood, have been made public by the time this Report is published. We hope it will prove a useful and timely tool for parents, associations, school boards and provincial departments of education.

Northwest Territories Official Languages Act

In November the Legislative Assembly of the Northwest Territories sought and obtained Parliament's consent to extend until April 1, 1992, the deadline for the translation of its laws into French. The previous date set was December 31, 1990.[12] It could not be met chiefly because a revision and consolidation of territorial statutes in English was being undertaken. It made good sense to complete both tasks simultaneously. The delay granted in no way alters the obligation to give effect by the end of 1990 to the other provisions of language legislation relating to the availability of services in English and French as well as in the six aboriginal languages recognized in the Northwest Territories Official Languages Act. We find little reason to be pleased with the current plans for services in French that were outlined for us recently by territorial authorities. We hope that the territorial government is able to move quickly in this regard. Each language community has specific needs which should be addressed on their own merits. Everyone will agree that native languages and cultures deserve special recognition and protection, but a beggar-thy-neighbour policy is unlikely to achieve results. (See Part IV for additional details.)

Census data on official languages

The 1991 census is probably the last thing on the minds of most Canadians. Yet in many respects it is anything but an academic exercise. Government and private enterprise have long known the importance of census results and use them to better target their policies and services. The census tells us not only who we are, but also where we are. The importance of the census results to the linguistic minorities throughout Canada was further enhanced by the adoption of the Canadian Charter of Rights and Freedoms. It establishes in Section 23(1)(a) the right of parents whose first language learned and still understood is the minority language of a province to have their children educated in that language. However, this right can only be exercised "where the number of those children so warrants". The Supreme Court has also confirmed that the provision includes a measure of control and management of the minority language education facilities determined by the size of the community, in accordance with a "sliding scale".

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[12] The original deadline, set in June 1984, had been December 31, 1986.

All of which makes vital an accurate and complete enumeration of the languages of Canadians.

It is therefore understandable that many in the minority language communities and those interested in minority language issues were alarmed when it was suggested that the so-called "mother tongue" question (which asks about the first language learned and still understood) might be limited to the long census form which is distributed to only 20% of Canadians. This change would have made evaluating the size of smaller minority language communities all the more difficult. Members of Parliament, the Commissioner and minority associations communicated their concerns to Statistics Canada when it appeared before the Standing Joint Committee on Official Languages examining the 1991 census. (See below).

The three questions asked in 1986 will, with minor changes, appear in the 1991 census. The census will also include an additional linguistic question which asks about the ability to speak languages other than English and French. The 1991 census will again ask Canadians whether they speak English and/or French well enough to conduct a conversation, which language they speak most often at home and which language they first learned at home in childhood and still understand.

With the tabling of the new regulations on services to and communications with the public in both official languages, this issue has taken on additional importance. These regulations rely in large measure on the census data to establish where there is significant demand for services in both English and French. While government has had the obligation to provide services in areas of significant demand since adoption of the 1969 Official Languages Act, the regulations are the first attempt to establish a common set of criteria for all federal department and agencies across Canada. It is hoped that this will facilitate the provision of federal services to the English-speaking and French-speaking minority communities. In its draft regulations on communications and services to the public in English and French, the Treasury Board proposed to use a sophisticated amalgam (Estimate I) of the results of these three questions, "first official language spoken", to determine where service will be provided. (See Appendix B for census data on official languages.)

Standing Joint Committee on Official Languages

The Standing Joint Committee of the Senate and the House of Commons on Official Languages met infrequently in 1990, but its meetings were well targeted. It devoted three hearings to examining the nature and scope of census questions that deal with language. Chief among its concerns in this regard was the possibility, noted above, that in 1991 the long-standing question relating to "mother tongue" might appear only in the long questionnaire rather than on the short form whose questions are answered by the whole population. Statistics Canada eventually proposed to Cabinet that in 1991 the "mother tongue" question be included in the questionnaire sent to all households and Cabinet concurred.

The Standing Joint Committee held nine public meetings during the first half of the year. Only three of these meetings were taken up with reviews of institutional performance. The Committee looked at the performance of Canada Post in February. It was suggested that while Canada Post had made progress there were several areas which could and should be improved, notably in terms of active offer and the provision of franchised services in both official languages.

In May the Committee heard from the Association de la presse francophone, which expressed dissatisfaction with the behaviour of a number of federal institutions because of their failure to use the minority French-language press. Air Canada was singled out as one of the prime offenders. The President of the Association stated bluntly: "Air Canada is disregarding the government's promise that the Corporation would comply with the Official Languages Act."

Air Canada appeared before the Committee on June 27 to explain its official languages performance in this regard. It stated that it did advertise in the minority media and intended to continue to do so. However, since its advertising resources were limited, it sought to target the populations, both English-speaking and French-speaking, which offered the best potential. This explanation obviously did not satisfy the spokespersons of the English- and French-language minority press who appeared before the Committee in the fall to restate their case.

Three of the Committee's meetings in the early part of the year were taken up with examining various aspects of the proclamation of unilingualism by certain municipal councils in Ontario. It heard representations on this issue from the Fédération des francophones hors Québec, the Canadian Teachers' Federation, Alliance Quebec, the Alliance for the Preservation of English in Canada (APEC) and the Association canadienne française de l'Ontario, as well as from the Commissioner. At the first committee hearing on this issue, on March 14, the Commissioner declared: "Events resulting from the declaration that Sault Ste. Marie intends to be a unilingual city go far beyond municipal affairs. They have a far-reaching and profound impact on Canada as a whole. In our view, it is a thinly veiled attack on the very principle of language duality in its various forms." The Committee was also very critical of APEC when it appeared before it to roundly condemn Canada's official languages policies. APEC's position was variously described by members of the Committee as "offensive, divisive and incorrect" as well as "paranoid and bigoted".

Two meetings of the Committee were taken up with an examination of the Commissioner's 1989 Annual Report and the budgetary estimates of his Office for 1989-90. The failure of government to table draft regulations on communications and services was an issue frequently raised in these hearings. In his opening remarks the Commissioner recommended that the Committee hear the testimony of the President of the Treasury Board and the Secretary of State to question them on their priorities and timetables for implementation of the Act.

The Commissioner also urged the Committee to prepare a report to the Senate and the House of Commons to obtain answers on how the government planned to speed up the process of language reform.

At one point the Committee considered an opposition motion to summon the Prime Minister to have him explain the delay in tabling regulations. In the end, the motion was withdrawn. It was decided, as the Commissioner had recommended, that the President of the Treasury Board and the Secretary of State would be asked to appear. The then President of Treasury Board, Robert de Cotret, wrote to the Committee to postpone his appearance, expressing regret that pressing business prevented him from answering the Committee's invitation before the summer recess. The Secretary of State's appearance was also postponed.

The Committee has yet to review the 1988-89 annual reports on official languages of the Treasury Board Secretariat and the Department of Secretary of State, although their annual reports for 1989-90 were made public in December.

Just before the summer adjournment, on June 14, the Committee presented a report to the Senate and the House of Commons in which it strongly urged the government "to table the draft regulations before Parliament, as soon as possible so as to guarantee the full implementation of the Official Languages Act." The government had 150 days in which to respond to the Committee. The draft regulations were tabled on November 8, just a few days before the time limit expired and not long after the Commissioner had presented a special report on this subject to Parliament.

During the latter half of the year the Committee began examination of the draft regulations, hearing successively in five meetings from the President of the Treasury Board, the Commissioner, Alliance Québec, the Association de la presse francophone, the Association of Quebec Regional English Media and the Fédération des francophones hors Québec. An account of the regulations and the proposals of these intervenors will be found in the next chapter. The Committee intended to continue hearing witnesses after the Christmas adjournment.

A PARTIAL THAW

c. Federal performance

This section provides our synthesis of the performance of key federal players in implementing the Official Languages Act. After commenting on the language aspects of Public Service 2000, we explain the purpose of our Special Report to Parliament and briefly outline the content of new draft regulations on communications and services and underscore the need for greater policy direction. We then assess the activities of the Treasury Board in the traditional areas of language of service, language of work and participation and discuss the language dimension of recent privatization initiatives. The achievements and

shortcomings of the Department of the Secretary of State are also noted. We conclude with a comment on the cost of official languages programs.

When it comes to fair and effective implementation of the Official Languages Act, all federal institutions have a role to play. This year we have carefully assessed in this Report the impact that the 1988 Official Languages Act had on 50 fairly representative federal institutions. The news is not bad. The Act has had a measurable or marked influence in two out of every five — a better showing than last year, when only one in five showed signs of progress. The good performers are still in a minority, but the trend is encouraging. This improvement was achieved largely in the area of service to the public because of the clear prospect of regulations on communications and services under the Act. Those interested in a more detailed accounting of profit and loss in federal official languages performance will want to consult the follow-up on the 60 recommendations formulated in our 1988 Annual Report and reproduced in the last section of this chapter. However, a quick glance at the books reveals that a little under half of our recommendations have been implemented at least in part. The real improvement in the delivery of bilingual services and the tabling of draft resolutions were the two most significant developments. On the positive side of the ledger we would also highlight the following: significant improvement in the negotiation of letters of understanding; progress in the drastic reduction of the elementary level of second-language proficiency (A) for most positions involving service to the public; on-going review of translation resources allocated to departments; measures to guarantee bilingual services of national and international events in Canada; provision of bilingual training and development courses for members of the Management category. On the negative side we place the general stagnation in relation to language of work and equitable participation issues. This progress also suggests that the belief in some quarters that regulations are hardly necessary or are of secondary importance is, it seems to us, a great mistake. Who can doubt that significant gains could be made in the use of both official languages on the job and in more balanced participation rates if regulations on these issues were developed and approved promptly and were accompanied by clear directives. We will return to this theme later.

The Privy Council Office is a key actor in any high priority area like language policy which calls for broad co-ordination. We would have liked to report that its active presence and leadership had galvanized the rank and file this year. Such was not the case. At best, its voice was muffled and its signals, if any, went unheeded.

The mandate of the Department of the Secretary of State and the Treasury Board Secretariat is set out in unequivocal language in the Act itself. They are the Janus-like guardians of language reform. To our mind, the Treasury Board has not yet lived up fully to its responsibility of being the *motor* of language reform in the Public Service. It should, in a word, get a handle on all of the elements of

the Act it is mandated to implement. On the other hand, the Department of the Secretary of State has been filling the tall order on its books with steady assurance and honest effort. Although we were disappointed with its communications efforts and its initiatives to assist the private sector in providing bilingual service, we believe that on the whole it is off and running.

Public Service 2000

In August 1990 the Privy Council Office released a series of task force reports on the future of Canada's bureaucracy. They are the results of an intensive examination of administration of the Public Service in response to an initiative launched by the Prime Minister in December 1989 to prepare it for the challenges of the 21st century. The Public Service 2000 reports contained over 300 recommendations aimed at achieving "a more outward looking Public Service, capable of adapting to change, committed to service to the public (and less obsessed with internal processes), accepting that staff, if given real challenges and treated with respect, will respond well."[13]

Since communications with and services to the public are the cornerstone of the Official Languages Act, and very much part of the quality of service for those concerned, we were convinced that language would figure prominently in any discussion about more responsive approaches to Canadian taxpayers. Fully 88% of the 2,690 complaints we received in 1990 dealt with some aspect or another of contacts between Canadian citizens and federal employees. We discovered to our dismay that language issues received no more than a nod in passing in these important reports.

The Task Force Report on Service to the Public, for example, initially did not contain a single recommendation on bilingual service. Following our protests the matter was broached, albeit in a somewhat perfunctory manner, in the final draft, which contained the following recommendation: "Treasury Board should ensure that public service managers fully understand the intent and application of the Official Languages program." We were also pleased to see that the concept of "service to the public" would encompass consultation with the public on the design and implementation of programs. This consultative approach is particularly important to official languages minorities, who have not always been well served by traditional approaches to service delivery.

The 1988 Official Languages Act contains a number of creative ideas about service, such as the concept of "active offer", use of minority media, the examination of the "particular characteristics" of the English and French linguistic minorities and the possibility of regulations "to foster actively communications with and services from offices or facilities of federal institutions". To our mind, all of these approaches should help ensure greater client satisfaction provided

[13] "Questions and Answers for the Releases of PS Task Force Reports", Public Service 2000, Privy Council Office, August 14, 1990.

that official languages considerations are placed at the heart rather than relegated to the periphery of service systems.

The Task Force on Administrative Policy and the Role of Common Service Agencies proposed, among other things, that use of the Translation Bureau be made optional. Such a move may lead to problems in controlling the quality of translation. There may also be a tendency to cut costs (and corners) by not translating certain texts, to the detriment of one or the other language group. We hope appropriate checks will be put in place.

The Task Force on Staffing suggested that, in certain circumstances, appointment to level rather than to position should be permitted. In spite of passing references to the duty of managers "to continue to respect relevant Treasury Board Secretariat policies such as those dealing with language...", it is not clear how this new practice would affect the use of English and French as languages of service and languages of work in the Public Service. The issue is not addressed at any length in the report. Also, Section 91 of the Official Languages Act forbids the application of language requirements to a particular staffing action "unless those requirements are objectively required to perform the functions" of the job. It is not clear how a system of appointment to level and subsequent deployment can be squared with these provisions. Steps should be taken to ensure that the process does not lead to violating the Act because of a lowering of bilingual requirements. Also, these reforms provide the perfect backdrop for the government to follow through on its commitment, so clearly enunciated in Part VI of the Act, to create a federal workforce that will tend to reflect the presence of both official language communities in Canada, and to provide equality of access to employment and advancement of both Anglophones and Francophones, within the merit principle.

The Report of the Task Force on Classification and Occupational Group Structures did not discuss the question of the "bilingual bonus". In our view, it is high time this $45.6 million boondoggle were downsized. We would have welcomed a recommendation that the bonus be done away with progressively and paid out only in well-defined cases.

The Task Force on Training and Development recommended "more rigorous assessment of the appropriateness and cost-effectiveness of various means of training and development". Like the Task Force, we believe this review should be conducted with a mind to equity for disadvantaged groups. It should also take into account specific needs for training in the French language.

Language reform and reform of federal administrative practices are closely linked and present significant challenges. In the past the failure to adopt a holistic approach has led at times to the development of systems which did not adequately take into account the needs of our official language minority communi-

ties. The quality of service cannot be divorced from language choice. Towards the end of 1990 we received assurances from the Privy Council Office that our observations would be considered when the government set out its position on the various task force reports.

The White Paper on Public Service 2000 released on December 12 declared:

> The provision of services to Canadians in both official languages has been a central feature of the relationship between the public and the Public Service. Recently Parliament has reaffirmed and deepened its commitment to the use of official languages, particularly in the Public Service. This essential feature of the Public Service, both in the services it provides and the equal opportunity it affords to all its members, remains the cornerstone of its relationship with all Canadians.[14]

So far, so good. However, for the time being this noble statement seems to be the extent of Privy Council involvement in official languages matters. Certainly, we have no proof that it has sought to prod or even nudge the Treasury Board Secretariat into providing better bilingual service through appropriate regulations and directives.

Special report to Parliament on regulations

For more than two years the Commissioner has been calling for the tabling of the regulations needed to give full effect to the Act. By the middle of October, after a series of fruitless conversations with some of the most senior officials in government, his patience was at an end. Invoking a rarely used provision of the Act, on October 25, 1990, he made a special report to Parliament formally urging the government to table immediately long-awaited draft regulations on communications with and services to the public. He enumerated the harmful consequences of government inaction more than two years after the Act's proclamation: a sharp increase in the number of complaints; a floating definition of significant demand which treated Canadians differently depending on the region where they live and the federal institutions they deal with; and failure to ensure that both English and French are used where the health and safety of the public is at risk. The report provided a telling chronology of the government's unkept promises about the tabling of regulations.

In the Commissioner's view delays in implementing the Act had led federal departments and agencies to adopt a timorous wait-and-see attitude and had had a serious unsettling effect in minority communities already traumatized by the failure of the Meech Lake Accord. He indicated that court challenges might be necessary to ensure that a law adopted by Parliament was obeyed. He called on the federal government to proclaim its commitment to the future of Canada by

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[14] *Public Service 2000: The Renewal of the Public Service of Canada*, 1990, p. 51.

ensuring full implementation of the Act as quickly as possible. The regulations were tabled shortly after, on November 8. (See Chapter 2 for a discussion of these regulations and reaction to them.)

First draft regulations tabled

For our part, we have been calling on the federal government to state loud and clear its confidence in and commitment to the future of the country in practical terms by fully implementing the Official Languages Act, which we consider an instrument of justice and conciliation between language communities. The purpose of federal language legislation is to give our official language communities their due (beginning with the millions of French-speaking Quebecers) and to correct the real inequalities in the status of English and French. That is why we were pleased to see that the government finally decided to table long-awaited regulations on communications and services required under the Act.

The regulations, based on demography or local population and on special circumstances (travel; health, safety and security of the public) were generally well drafted. The leaders of minority communities gave the draft regulations a passing grade, but suggested they needed more work. For his part, the Commissioner drew two major conclusions from his examination of them: Anglophones and Francophones will benefit from equitable treatment and the regulations are reasonable.

The regulations provide for the identical treatment of both majorities. The two minority communities (which are roughly equal in number) will also benefit from the same services under the same circumstances. Since the assessment of demand is largely based on demographic data, about 96% of Anglophones in Quebec and 92% of Francophones outside Quebec will have access to federal offices in their language. This slight difference is explained by the fact that minority Anglophones are concentrated in the urban areas of a single province, while minority Francophones are found almost everywhere else in Canada. These communities will benefit from a variable scale of services, depending on their absolute or relative demographic weight: all services, a number of services in proportion to their size, or certain key services. In addition, special rules have been designed for particular circumstances (health and safety, remote services, computerized services, services for travellers in Canada and abroad and so on). Under these conditions there is no reason to think that the number of bilingual positions or the overall cost of the program will increase to any considerable extent. Better deployment of staff will be required.

When the Commissioner appeared before the Standing Joint Parliamentary Committee on Official Languages examining the draft regulations, he proposed a number of improvements aimed at making the regulations fairer, more workable and more likely to foster the vitality of minority communities. It was during these hearings that the new President of the Treasury Board, Gilles Loiselle, made the extraordinary suggestion that principles for the use of English and French as languages of work and the equitable representation of English- and

French-speaking Canadians in federal institutions would not require *regulations* "in the near future". He indicated that in his view these matters could be adequately addressed by *directives*. If this is the case, one wonders why directives have failed in the past to solve endemic problems in both these areas and why Parliament saw fit to set out elaborate requirements for specific regulations on these matters. Could it be simply that once again the government lacks the courage to lead in language matters? In present circumstances it is important that the government subscribe to the principles that were endorsed almost unanimously in 1988 by all political parties in Parliament.

In our opinion the tabling of these first draft regulations was the major development of the year in terms of the implementation of the 1988 Official Languages Act. The position adopted by the President of the Treasury Board that there is no plan, and apparently no need, to develop regulations in the near future to address the other issues contemplated in the Act was a setback.

Need for policy direction

Regulations are vitally important, but they are not enough to ensure effective implementation of the Act, any more than the regulations under the Customs Act are enough to ensure that inspections at border crossings are carried out properly. Policies and directives must translate provisions of the Act and regulatory requirements into marching orders. They must explain the new practices, compare them to the old procedures and set out in detail how things will work day by day. Last year we outlined the reasons why many of the old directives that had been carried over holus-bolus were too vague to be helpful and at times plainly in contravention of the spirit and letter of the new Act. Many Treasury Board policies on official languages have been left untouched over 10 years. A list of the more important of these fossilized but still extant prescriptions includes:

- "Official Languages in the Public Service of Canada" (1977);
- "Audit of Official Languages Policies and Programs in the Public Service of Canada" (1978);
- "Required Improvements in the Implementation of the Official Languages Program in the Federal Public Service" (1980);
- "A Statement of Selective Policy Changes" (1981);
- "The Federal Official Languages Policies and Programs within the Federal Public Service: Action Required, 1982";
- "Equality of Access to Employment in the Federal Public Service by Members of both Official Languages Groups: A Clarification" (1983).

Incredibly, none of these key documents has been revised, despite the proclamation of a new Act. One would hope this would be one of the first priorities of the new President of the Treasury Board.

By comparison, Treasury Board's administrative policy has been totally revamped. The lesson seems clear: the Board intends to let sleeping dogs lie. If it had been seriously committed to language reform it would have provided federal managers with the up-to-date tools they require to implement the Act in a convincing and orderly fashion. Like its administrative policy, its official languages policies should be "presented so that the rationale behind each policy and the performance expected in accordance with it is made as clear as possible."[15]

Treasury Board Secretariat

For most of 1990 the Official Languages Branch of the Treasury Board Secretariat expended the great bulk of its waning energy strolling sedately along the smooth road of ordinary endeavours. The list of what it did in 1990 is not half as interesting as the catalogue of what it did not do. It kept a weary chaperon's eye on the activities of departments, spoke softly to Crown corporations in a becoming manner and felt confident all in all that language reform would somehow proceed eventually in the fashion established by law. Certainly it did not go very far out of its way to make anything happen. We will see below that progress was nonetheless made in respect of service to the public.

Among the achievements of Treasury Board in the area of official languages this year we note:

- completion of draft regulations on communications and services;
- signing of 15 letters of understanding with federal institutions specifying their official language obligations (40 such letters have now been signed);
- numerous workshops and briefings on the implications of the Official Languages Act and regulations;
- publication of a pamphlet and a poster on active offer of bilingual services;
- pursuit of studies (not yet made public) on work environments conducive to the effective use of both languages and on equitable participation in the Scientific and Professional category;
- two colloquiums on informatics and official languages in light of the requirements of Section 36(1)(b) of the Act dealing with widely and regularly used automated systems.

Further details on the activities of the Treasury Board Secretariat are provided in Chapter 4a).

As the Commissioner observed in September in a press release marking the second anniversary of the proclamation of the Act, the draft regulations on communications and services worked and reworked on the anvil in the Treasury Board's forge had not yet been tabled. The systematic preparation of the other regulations

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[15] *Administrative Policy Manual: Manual System*, Introduction, p.5.

called for in the Act did not seem to be a priority. Work on forceful policies and guidelines needed to translate the Act's provision into administrative language was at a standstill. No "agreements" on official languages performance have been signed with Crown corporations.

Over the last few years Crown corporations have been left more or less to their own devices not only in regard to language of service, but to language of work and equitable participation as well. This benign neglect is hardly in keeping with the duties of the Treasury Board, set out in Section 46 of the Act, to provide "general direction and co-ordination" on the implementation of the Act in "all federal institutions". It is also worth noting that the Board's 1989-90 Annual Report on Official Languages in Federal Institutions provides virtually no information and no statistics on the performance of Crown corporations in implementing Parts IV, V and VI of the Act. No Treasury Board audits of Crown corporations have been conducted in the last few years. Indeed, the Board often relies on information provided in audits and studies done by our Office to form an opinion of the official languages performance of a number of corporations. "Quis custodiet custodes?" we are tempted to ask. This is yet another argument for completing regulations on communications and services as soon as possible with regulations on the use of English and French as languages of work and on equitable participation.

The Board has not made much headway in developing procedures to ensure that regulatory agencies fulfil their statutory obligation to consider the language dimension in regulations affecting the health, safety and security of the public. We believe that at very least the Board should be an active participant in the regulatory process and review impact analysis statements prepared by regulatory authorities to gauge whether or not the requirements of the Act have been met. Beyond that, we would expect it to undertake a review of existing regulations currently in force to ascertain whether they meet health, safety and security requirements. As far as we know, more than two years after the proclamation of the Act, this work has not yet begun. However, the appointment of a new minister in the fall, and his performance during the remainder of the year, gave us hope.

Language of service

We noted last year that the Board had provided instructions and ensured distribution of a new pictogram designed to facilitate access to bilingual services. It has also been monitoring the use of this symbol in federal departments and agencies. Finally, in negotiating letters of understanding it has ensured that the obligation to offer service actively in both official languages is well understood. These endeavours have led to improvements, although, as we observed earlier, active offer often breaks down in the case of person-to-person contacts. Also, the endemic problem of the appropriate use of minority official language media has not been addressed adequately. If, as promised, the Board provides new directives and clear operational guidance on implementation of the draft regulations once adopted and issues guidelines for the use of minority media in the new year, there is hope for significant improvement in the delivery of bilingual services.

There are, however, a number of serious systemic problems to be overcome. Readers will find in Part IV, Chapter 2, an analysis of bilingual capacity in offices where there is significant demand. This capacity varies widely, wildly some would say. Federal offices in Quebec and in the National Capital Region have ample bilingual capability. However, in many other areas of the country the insufficient number of bilingual employees hampers the provision of acceptable services in French. Why bilingual services should gradually worsen as one moves away from the National Capital Region and Quebec is difficult to fathom. There should be only one standard for bilingual service when there is significant demand: good service promptly offered and delivered.

If service from departments and agencies has improved somewhat, the performance of Crown corporations by and large has been lacklustre. The Treasury Board has developed procedures for signing "agreements" with Crown corporations — the equivalent of letters of understanding. It is also in the throes of establishing an information system on Crown corporations that will enable it to keep statistics comparable to those on departments and agencies provided by its Official Languages Information System.

Language of work

As we noted earlier, in 1990 the Board was examining the findings of a study on work environments conducive to the effective use of both official languages. We await the results with great interest in the hope that it will lead to action. We have shown repeatedly in past reports that French does not enjoy its rightful place as a language of work in the National Capital Region and in designated bilingual regions outside Quebec. This is particularly true in scientific and technical agencies, in Crown corporations and in the Department of National Defence. The failure of Treasury Board to clearly spell out the rights of employees and the obligations of supervisors and to establish the ground rules for oral and written communications in these regions has had deplorable results. Our study of communications between the National Capital Region and Quebec (See Part II, Chapter 3) and our audits over the years provide abundant proof. The right of Francophone employees in Quebec to deal with national headquarters in their language is often ignored. As a result, many of these employees seriously question their employer's commitment to the equality of status of English and French in federal institutions.

Twenty years into language reform the right of Francophones to use their language on the job in designated bilingual regions cannot be freely exercised and is often sacrificed to expediency. In fact, the Treasury Board has not issued guidelines on the dynamic aspects of language of work since 1982 and has backed down on its promise to develop regulations.[16] Without these, it is unlikely that any serious progress can be achieved. We find it passing strange that the same central agency that spells out in infinite detail the rights and obligations of

[16] The preparation of regulations on language of work was announced in the *Federal Regulatory Plan 1989*, but dropped in the 1990 edition.

employers and employees in collective agreements is suddenly tongue-tied when it comes to defining the quasi-constitutional rights of employees to use their language on the job. If the government is seriously committed to ensuring the equal status, rights and privileges of the French language as a language of work, it will table regulations on language of work in the House of Commons as soon as possible and well before the end of 1991.

Equitable participation

One of the important objectives of the Official Languages Act is to ensure that Canadians enjoy equal opportunities for employment and advancement in all federal institutions according to merit, without regard to ethnic origin or first language learned. Also, the workforce of federal institutions should tend to reflect the presence of both official language communities in Canada while taking into account the characteristics of individual institutions, including their mandate, the location of their offices and the public they serve.

This elaborate equation is obviously quite difficult to balance. Year after year we have been underscoring the same sectoral, hierarchical and regional imbalances: Francophone over-representation in the Administrative Support category in the National Capital Region, weak Anglophone participation in Quebec and weak Francophone participation in the Executive and the Scientific and Professional categories.

Obviously, it is difficult to achieve significant improvements in these areas overnight, particularly in a period of downsizing. What Canadians can legitimately expect are signs that the problem is being tackled in a serious fashion and that strategies to improve matters have been put in place. While some work has been undertaken to redress Anglophone participation in Quebec (see Part II, Chapter 3), we are still very far away from any concerted and effective action to address all of the participation issues. Curiously, there have been no Treasury Board directives on equitable participation since 1983. We believe, as does the legislator, that regulations on equitable participation might serve as a stimulus for action. They could define the responsibilities of the Treasury Board, the Public Service Commission and individual departments and Crown corporations and spell out what specific actions are permissible to correct imbalances. Finally, regulations would have the advantage of removing the problem from the penumbra of bureaucracy and placing it in full public view. They would help refute accusations of statistical gerrymandering levelled by the noisy few who have nightmares about French hands on the levers of power. We see no reason why such draft regulations could not be produced soon on the basis of existing studies, certainly before the end of 1991.

Response to 1986-87 special reports to the Governor in Council

At the end of August 1990, at the Commissioner's request, the President of the Treasury Board provided an update on initiatives taken in response to our 1986 and 1987 special reports on service to the public by VIA Rail, language of work in the Department of National Defence and Anglophone participation in the federal Public Service in Quebec. He recognized that progress had at times been slower than anticipated, but measures were being taken to correct the

weaknesses noted. Since remedial action taken so far had proved to be pretty slim pickings, this was good news. (See Part II, Chapter 1.)

Three reports to the Treasury Board

In the absence of any clear direction or guidelines on official languages matters from Treasury Board, many federal institutions have become sleepwalkers. They go through the motions of compliance without any sense of purpose or conviction. To draw attention to some of the more important weaknesses revealed by the complaints received by our Office, the Commissioner submitted three reports to the President of the Treasury Board in September: a report on the active offer of bilingual service, another on the use of the minority press and a third on the objective determination of language requirements during staffing (Section 91 of the Act). (Details of these studies are provided in Part III.)

Privatization

The federal government's policy concerning the continuance of existing linguistic obligations for privatized institutions is to proceed on a case-by-case basis. In November two privatization bills were introduced in the House of Commons; the first concerned Petro-Canada, the second, a number of federal airports.

Petro-Canada

In the case of Petro-Canada the government proposed in Bill C-84, the Petro-Canada Public Participation Act, that the articles of incorporation be amended to include provisions requiring that Petro-Canada provide services in both official languages at its head office and at any offices or facilities where the company determines that there is significant demand. These measures would also apply to wholly-owned subsidiaries. While noting the government's intention to provide for some continuance of language obligations, the Commissioner believed that the safeguards proposed did not go far enough. He questioned in particular the appropriateness of having Petro-Canada itself determine what constituted "significant demand" when the Official Languages Act laid this obligation on government and gave Canadians the protection of an ombudsman as well as a court remedy to ensure respect of Charter rights. Canadians, he believed, should not be confronted with the Hobson's choice of privatization or strong language guarantees.

When the Commissioner appeared in November before the legislative committee studying Bill C-84, he argued that Petro-Canada had succeeded in making its name known across the country as the national petroleum company of Canada and had made considerable headway in adopting bilingual signage and in serving the public in both official languages in areas of significant demand. As a leader in the petro-chemical field, Petro-Canada had also played an important role in the development and interest of Francophones in this sector. The Commissioner recommended that this progress be safeguarded by providing for the continued application to Petro-Canada of the Official Languages Act in its entirety after privatization. However, the Commissioner was sensitive to legal arguments about jurisdiction over language as an extension of authority recognized under the divisions of power in the Constitution Act of Canada. Accordingly, his proposal to the committee contained suggestions on how as a bare minimum the

language rights relating to services set out in the Official Languages Act might be continued in a new privatized corporation.

The committee did not accept any of the Commissioner's suggestions when it reported back to the House of Commons. Obviously, when the government is called upon to choose between respecting language rights of Canadians and privatization, the former is likely to lose out. The bill cleared the House of Commons late in December.[17]

Bill C-85. the Airport Transfer (Miscellaneous Matters) Act, was given first reading on October 9. The purpose of the legislation is to lease airport operations to local concerns. Initially Edmonton International Airport as well as the Dorval and Mirabel airports were to be leased. On the other hand, bids were accepted from the private sector for the construction and operation of a third terminal at Lester B. Pearson airport in Toronto. From the outset Transport Canada had given serious consideration to the transfer of language obligations to lessees. In reviewing this question with Transport officials, the Commissioner argued that lessees should be required, by statutory means, to implement all the requirements of the Official Languages Act. While the bill did not wholly meet this end, we were pleased to note that it provided for substantial protection of language rights. Parts IV (Communications and Services), VIII (Responsibilities and Duties of Treasury Board), IX (Commissioner of Official Languages) and X (Court Remedy) of the Act would apply to the new authority as if it were a federal institution and to the airport in question as if it were an office of a federal institution, but not to lessees providing services in airports. In lay terms, this means that, in respect of bilingual services, Canadians will enjoy the same rights whether or not airports are privatized. They may complain to the Commissioner and obtain redress through the Federal Court if their language rights have been violated. When the Commissioner appears before the legislative committee, he will argue that inclusion of all the provisions of the Act rather than simply those relating to service should not prove a significant burden to lessees and would provide useful additional guarantees.

Canada Post has gone a considerable way in franchising postal outlets. We have been following this practice closely to ensure that services from these outlets are made available in both official languages where there is significant demand. In our view, Canada Post is not taking its obligations in this regard seriously enough. Not only has monitoring been poor but the Corporation's definition of significant demand is inadequate. In fact, Canada Post has invoked the delay in preparing regulations to avoid meeting linguistic obligations that have long been accepted by other government institutions. Complaints and recommendations from the Commissioner have brought some improvement in individual cases but

[17] We learn, as we go to press, that the bill has received royal assent.

stronger medicine may be required if the Corporation allows its linguistic responsibilities to lapse as more outlets are privatized.

Secretary of State's Department

Part VII of the Official Languages Act imposes upon the Department of the Secretary of State a very sizeable mandate: to support the growth and development of minority official language communities and to co-ordinate the efforts of federal institutions in this regard as well as to foster the full recognition of both English and French in Canadian society. Progress in 1990 in filling this tall order was steady, with a number of welcome initiatives in the area of information on language programs and consolidation of advances in minority language education and second-language instruction. We consider its performance in the execution of most parts of its mandate to have been more than honourable.

Much useful work was also done in fostering minority community development. As many of these achievements are discussed in other parts of this Report, it suffices to mention:

- conclusion of an official languages framework agreement with Manitoba;
- financial contributions for new French-language schools in west Edmonton, Calgary, Yellowknife and English-language schools in Saint-Lazare, Grosse-Île and Namur in Quebec, as well as continuing support for a variety of minority education projects all across Canada;
- help to some 70 voluntary organizations to provide bilingual services;
- support for the development of minority community radio.

In spite of these quite commendable achievements, efforts to prod, cajole or stimulate federal institutions into assuming a more dynamic role in enhancing minority vitality have not yet produced, to our mind, a significant pay-off and we are still some distance away from the "co-ordinated approach" that the Act requires. Discussions and liaison with key departments have taken place, but little work has been done with Crown corporations, which are also encompassed in the government's general commitment to the advancement of English and French. We were also disappointed that due to limited resources the Department was not able to meet all worthwhile requests for assistance from the private sector. We have consistently favoured increased contacts with the business and labour or voluntary organizations, who are, after all, key players in the community. Finally, we continue to believe that the Department's communications efforts, though well-conceived, remain too modest and narrow in scope. At this juncture, the Department has a significant advocacy role to play not only in explaining, defending and illustrating the principles embodied in the Official Languages Act, but in promoting our national identity. We readily recognize, however, that other central agencies must also do their share in promoting our linguistic and cultural heritage. Someone, somewhere, in government must speak out for Canada and its values...as should parliamentarians, particularly beyond the precincts of Parliament. (More detailed information on the activities of the Department of the Secretary of State are provided in Chapter 4b.)

The year came and went without any hard news about the creation of a Canadian Council on Official Languages, first proposed on June 25, 1987. However, it seems that such a Council is still in the works. As we indicated in our 1989 Report, we are not enamoured of this proposition, but we recognize the importance of what the Act itself prescribes in Section 43(2): "...ensure public consultation in the development of policies and review of programs relating to the advancement of the equality of status and use of English and French in Canadian society." This review can take many forms and it is not obvious that an advisory council, however constituted, is the most user-friendly mechanism available. In fairness too, we readily recognize that the Department of the Secretary of State consults its various clients on an ongoing basis. Finally, the Act also provides for a "review on a permanent basis" by a parliamentary committee. In the circumstances, we feel bound to repeat our admonition that too many cooks may spoil the broth. Whatever the solution the Department proposes, the Standing Joint Committee on Official Languages should be consulted.

Cost of official languages programs

It has become fashionable for the detractors of language duality to rail against the "hidden costs" of official languages. What they mean is often not very clear, but one suspects that any and all expenditures relating to the use of French in Canadian society, from Radio-Canada to packaging and labelling to signs to schooling to trials or the printing of laws or the tax forms in French, are seen as illegitimate. There is little point in engaging in a discussion on such premises. More than 10 years ago Treasury Board agreed to provide a breakdown of readily identifiable expenditures on official languages programs. As in past years a total of these costs is presented in Appendix C-1 of this Report. We have also over the years suggested means of trimming the fat, for example by making language training more efficient, by reviewing the demand for translation and by the gradual and selective reduction of the bilingual bonus, which this year will cost $45.6 million.

No one would suggest that $626 million a year is an insignificant amount. About $250 million is turned over to the provinces to assist in the provision of minority language instruction and the teaching of English and French as second languages, activities that are supported by an overwhelming majority of Canadians.

But what of the $314 million spent to keep the wheels of government turning in both official languages? The federal government spends one-third of 1% of its total program spending on translation, language training and the other costs of maintaining the machinery of bilingual services. In other words, on average, if the cost of delivering a federal program in one language — let's say in French in Sherbrooke, Quebec — is $100, it doesn't take another $100 to deliver it in English. It doesn't even take another dollar. It takes about 30 cents. Of course all expenditures of public funds, even if only 30 cents, deserve scrutiny. But anyone claiming that bilingual services are impossibly expensive should be reminded that the federal government delivers its programs in two languages where demand warrants at a cost of one-third of 1% of the cost of the programs.

Are Canadians getting value for their money? In a sense, the money we spend on official languages programs, just like the expenditures on equity and multiculturalism programs, are the price we pay for the benefits of having two major language groups in this country. In an address to a convocation ceremony at Simon Fraser University in June the outgoing Auditor General, Kenneth Dye, suggested that the cost of tolerance "is a cost that the majority of Canadians have said is vital if we are to be a decent, compassionate and united society....In fact, the question we should ask is not primarily how much it costs, but what is it worth and what is its value....The shared vision that can only come about through mutual respect and increased tolerance is, in my view, not merely a desirable option, it's an economic necessity." We find this particular value-for-money argument persuasive.

d. Minority development and promotion of official languages

This fourth section deals with minority development and promotion of our official languages in Canadian society. After a short review of the situation of English-speaking Quebecers and of Francophones outside Quebec, we discuss minority language education rights, developments in services to minority communities, the teaching of English and French as second languages and the progress of bilingualism in services in the National Capital Region.

For our official language minorities every year is a difficult year. Even if there were a number of positive developments in 1990 Francophones outside Quebec and English-speaking Quebecers have had to adjust to the roller-coaster ride and crash of the Meech Lake Accord which added to their insecurity. They had not been enthusiastic about Meech Lake, but its failure raised the vivid spectre of a national dislocation that might leave little room for minority concerns. Fortunately, the protection of minority rights is an issue that neither should nor will go away. Amid the constitutional *Sturm und Drang* there were several clouds with very silver linings and flashes of sunshine. The Supreme Court decision on minority language educational rights was a ray of hope, as were the many small and not so small positive steps taken to promote and ensure minority development in several provinces. Following is a thumbnail sketch of some of the more important minority development and official language promotion issues in 1990. (Part IV provides highlights and a province-by-province account of minority concerns in these key areas.)

English-speaking Quebecers

The English-speaking minority in Quebec is in good shape in many respects, but it nevertheless feels the need for greater self-reliance. It has been shrinking in absolute numbers since 1976. Although there are signs that this decline may have been arrested, an Alliance Quebec poll taken this year shows that many members of the community are still considering leaving the province. Demographic, political and social changes have created pressures on the community's remarkable network of institutions and rendered many more fragile, particularly

outside greater Montreal. In part because of their concentration in greater Montreal, a majority of members of the English-speaking community are still able to live their lives almost entirely in their language. English-speaking Quebecers now better understand the need for the province to protect the French language and culture. Still, the resentment created by Bill 101 in 1977, and particularly by Bill 178 two years ago, lingers on and other irritants crop up from time to time. Official guarantees about the future and measures such as Bill 142 (which guaranteed access to health and social services in English) have not prevented the exodus of many of the younger members of the Anglophone community.

English-speaking Quebecers have responded in several ways to these new challenges, most notably by becoming markedly more bilingual (almost 60% of English-speaking Quebecers claim they can carry on a conversation in French) and by seeking to develop closer links with the Francophone majority. The vision of the future of most of them is to assume their destiny *as Quebecers*. However, many Anglophones believe that their concerns are not receiving the attention they deserve and that their voice will not be heard in the uproar of the debate over their future and that of Quebec. Their government has promised in the preamble to the bill creating the Bélanger-Campeau Commission on the Political and Constitutional Future of Quebec to act "in a spirit of fairness and open-mindedness, respectful of the rights and institutions of the English-speaking community of Quebec". As long as that is the bargain, the English-speaking community of Quebec will soldier on.

Vision d'avenir

The Fédération des jeunes Canadiens français, which has been conducting a national study on assimilation — language transfer is the term used by specialists — released two reports in September confirming the worst fears of many. The first, *Le déclin d'une culture*, summarizes a decade of research on the vitality of French-speaking communities. It underscores a tendency among young Francophones outside Quebec to forsake their cultural and linguistic identity, to see themselves more and more as "bilinguals" and to gradually and unwittingly adopt the cultural values of the majority. The second report, *Le choc des nombres*, is indeed a statistical shocker. Relying mainly on census data, the mournful numbers aligned by Roger Bernard of the University of Ottawa reveal that many smaller Francophone communities outside Quebec are in dire straits.

Due to a combination of aging populations, low birth rates, mixed marriages and assimilation, some Francophone communities will collapse within a generation or two if nothing is done. The 195 tables in the report cover much ground that is familiar but they also provide fresh confirmation that, despite progress on a number of fronts and increased government and institutional support over the last 20 years, many minority communities remained deeply scarred. For example, 24.8% of Francophones outside Quebec have less than eight years of schooling; the equivalent percentage among Anglophones is 10.6%. The Federation has shown courage and clearsightedness in getting at the facts and facing them

squarely. It hopes to come up with a strategy for countering assimilation and consolidating these communities. It would be based essentially on greater self-reliance and the development of networks of autonomous minority institutions.

Unfortunately, in the current climate any discussion of the demographic situation of Francophones outside Quebec seems to generate more heat than light. The last flurry of debate occurred when Quebec writer Yves Beauchemin, echoing René Lévesque's famous reference to "dead ducks", compared Francophones outside Quebec to "warm corpses" when he appeared before the province's Bélanger-Campeau Commission. Although he later recanted in part when assailed by some very much alive and irate Francophones living outside Quebec, such as Goncourt-winner Antonine Maillet, the harm had been done. The basis for Mr. Beauchemin's remarks was some very dubious comparisons between French ethnic origin and the use of French as a home language. He concluded on that basis that the rate of assimilation of Francophones in Ontario was 71%. This is the type of thing that makes statisticians snort; the ethnic origin and language data in various censuses are not comparable and most professionals in this field have considerable reservations about the appropriateness of using ethnicity in a linguistic context. Statistics on these matters became comparable only as of the 1971 census.

The number of persons who speak mainly French at home outside Quebec *increased* between 1981-1986. The vitality or persistence of English and French in Canada is measured by Statistics Canada by means of a Language Continuity Index which represents the relationship between the number of persons who speak a language at home and the number of persons for whom the same language is the mother tongue. This index shows that the large Francophone communities outside Quebec (i.e., Ontario and New Brunswick) differ considerably from the smaller ones in terms of linguistic continuity. Here is how Jacques Henripin presents the situation:

> The net loss it shows (in terms of French mother tongue speakers) is only 7% in New Brunswick. The resistance shown by the Acadians to the adoption of English is as remarkable for its strength as for its stability, at least since 1971.
>
> In 1986 Ontario accounted for 51% of the Francophones living outside Quebec (by home language). Their numbers had fallen between 1971 and 1981, but increased slightly between 1981 and 1986 to reach 341,000. In view of the steps taken in Ontario to facilitate living in French, it will be interesting to see whether Franco-Ontarians resist assimilation more. It is too early to reach a conclusion, but it can be said that the proportion of Francophones in the total population remained nearly stable from 1981 to 1986 (3.9% and 3.8%), whereas it had declined from 4.6% to 3.9% between 1971 and 1981. Taking the unequal duration of these two periods into account, it can be said

that the rate at which Franco-Ontarians are losing ground is only one-third as great. Moreover — and this is undoubtedly more significant — the index of linguistic continuity has increased slightly from 70.5% in 1981 to 71.1% in 1986, whereas it had fallen between 1971 and 1981. It would be risky to draw rash conclusions from these recent developments, but they are nonetheless intriguing. Perhaps certain policies are effective, after all?

Henripin underscores "the remarkable resistance of the Acadians of New Brunswick and the fact that the percentage of Francophones in the population of Ontario has remained nearly stable between 1981 and 1986." In other parts of the country, however, there is an erosion of French "through the abandonment by Francophones of their mother tongue as principal language."[18]

In light of ongoing improvements in their educational and institutional systems, the picture for Francophones in New Brunswick and Ontario (76% of all Francophones outside Quebec) is far from bleak. In the case of smaller communities very much depends and will continue to depend not solely on their relative weight in a given locality but also on their own sense of identity and self-worth as expressed in their institutions. In this regard the new and increasing opportunities afforded these groups to control their schools and have their children educated in their language are particularly encouraging. If anything is remarkable, nay miraculous, it is the persistence of the communities over time when in the past schooling in their language was far less accessible. To paraphrase Mark Twain, the reports of their death are greatly exaggerated. More than ever, Francophone communities outside Quebec are determined, energetic and inventive. The President of the Fédération des francophones hors Québec, Guy Matte, expressed the vision of these communities when he told the Fédération des jeunes Canadiens français study group: "It is time to change the image we have of ourselves and that we transmit to others."

Unfortunately, comments by Francophone minority associations about the need to reinforce their own institutions sometimes get misinterpreted. This approach is not intended in the least to be a repudiation of the institutional bilingualism of federal institutions or of the federal government's consistent support of language duality. Members of minority communities are very conscious of the fact that over the past 20 years the federal government has been on their side when the chips were down, fighting for recognition of minority language rights, expanding its own services in both English and French and promoting federal-provincial official languages agreements. The message now coming from minority associations is that still more is required. Above and beyond the support provided by federal and provincial governments, minority communities must build up their own resources and show greater self-reliance to ensure their development. The

[18] Much of this information is drawn from an article by demographer Jacques Henripin in *Language and Society* 24, Fall 1988, pp. 8-9.

developments in the area of education and services presented below and in Part IV give some idea of what has been accomplished thus far and the length of road that still must be travelled.

Minority language educational rights

The Supreme Court's decision this year defining and setting out the conditions for the exercise of the right to minority language instruction and governance proclaimed in Section 23 of the Charter blew like a spring breeze across the land, bringing hope. Not only did the Court define the context of the right of management but it suggested that the "inaction of the public authorities" was not excusable. We were pleased to hear the Court express this view since it is one we have held for many years and have defended repeatedly in public.

Several provinces have obviously not yet achieved the type of minority language instruction and governance contemplated in the Court's decision. However, it is worth remembering that Quebec has had a complete English-language education system since Confederation and that New Brunswick has a complete and autonomous system of French-language education which recognizes the full equality of its two language communities. In most other jurisdictions the issue of minority language instruction has evolved over the last decade from one of simple access to a debate about management and control. For instance, before year's end Ontario announced its intention to establish two more French-language school boards. Prince Edward Island has led the way in establishing a province-wide French-language school board. This in itself is considerable, albeit hard-won, progress. With good will and good planning, the challenge we suggested last year of having provincial legislation and policies in place to give full effect to minority language educational rights by the 10th anniversary of the Charter may yet be met. This in itself would no doubt do more than all the studies of past decades to delay or halt the erosion of our Francophone minority communities, especially if it were accompanied by appropriate arrangements for French-language daycare and pre-kindergarten. What more convincing proof could be given of a commitment to Canada's future than to ensure the fair and generous respect of the moral and legal claims of Francophone parents to control the education of their children?

Services to minority languages communities

Last year, we reported on significant progress in federal-provincial co-operation on official languages, due in part to the signing of a series of five-year general or subsidiary agreements on the promotion of official languages. A comprehensive agreement with Manitoba was concluded in November. We can only regret that the long-awaited framework agreements between the federal government and Alberta, British Columbia and Newfoundland have still not been concluded. The failure of these governments to resolve outstanding minority development issues in the wake of the demise of the Meech Lake Accord can only be viewed with foreboding by minority official language communities. Cutbacks in regional public broadcasting services were a serious blow. Still, there were encouraging signs. Among them, the following highlights:

- The government of New Brunswick has developed an implementation plan for its official languages policy which includes the designation of bilingual positions and the recruitment of 700 new bilingual employees. The province is committed to bringing about changes without jeopardizing the career opportunities of unilingual public servants. The province is also taking steps to improve health and social services in French.

- The Quebec government continued to improve English-language health and social services as prescribed in Bill 142. Access plans affecting some 200 institutions have been developed and additional resources have been made available, including the appointment of co-ordinators for English services in several regions.

- In Ontario the newly elected NDP government confirmed its determination to proceed with implementation of the province's French Language Services Act.

- Prince Edward Island is pursuing a new French Language Services Policy.

- The federal government and the government of Nova Scotia created a trust fund for the benefit of *Le Courrier de la Nouvelle-Écosse*, Nova Scotia's only French-language weekly.

- The Manitoba federal-provincial agreement should lead to improved French-language services in provincial government offices and in health-care facilities.

- The Maison de la Francophonie, a community centre for Franco-Columbians, was inaugurated in Vancouver on June 15.

Assistance from Ottawa and Quebec

As the second section of Chapter 4 of this Part abundantly illustrates, once again this year the federal government has supported a broad range of initiatives designed to foster the growth and development of our minority official language communities. It is worth noting that, as in past years, the government of Quebec has also provided modest but welcome assistance to a wide range of projects developed by Francophones outside Quebec. The $1.6 million in 1989-90 will go to support 154 initiatives in education, culture, communications and economic development. Moreover, the Quebec-Ottawa agreement on education incorporates a number of provisions about exchange programs and training and development aimed at providing assistance for Francophones outside Quebec.

Noting that the preamble of the Bélanger-Campeau Commission's mandate specifically mentions the contribution of Quebec to Francophone communities outside Quebec, members of the Faculty of Common Law in French of the University of Ottawa presented an interesting memorandum to the Commission. It suggested that a study be conducted jointly by the government of Quebec and Francophone communities outside Quebec on the nature, growth and

development of their links. Such a study would in all likelihood underscore the real interdependence and mutual support of these communities. The authors suggest that Quebec take the lead in establishing a permanent assembly of Francophone communities in America [une assemblée permanente des communautés francophones d'Amérique] whose object would be to promote their growth and development in all fields of endeavour. The idea is worth exploring. Certainly Quebec would have more to gain than to lose in maintaining strong ties with other French-speaking communities in Canada, and in America as a whole, regardless of the constitutional options it chooses.

Post-secondary education

It will have escaped no one's notice that the development and growth of minority language school systems across Canada poses the question of greater access to post-secondary education. The English-language college and university network in Quebec is well developed[19] as is the French-language system in New Brunswick, but Francophones elsewhere outside Quebec are considerably less well served. The provinces are nevertheless gearing up to meet the challenge. In Ontario, for example, the first French-language college of applied arts and technology, the Cité collégiale, with campuses in Ottawa-Carleton, Hawkesbury and Cornwall, opened in September. In November a provincial task force proposed the creation of two new colleges, one in Northern Ontario as soon as possible and another in the central region of the province by September 1992. Meanwhile the debate on the evolving role of Ontario's bilingual universities (Laurentian, Ottawa and Glendon College at York University) continues. In December the Association canadienne-française de l'Ontario released a study on the feasibility of a French-language university in Ontario suggesting that "the Franco-Ontarian community already has some of the resources needed to establish such an institution and achieve its long-term objectives."[20]

However, some members of the Francophone community worry about the possibly negative impact such a French-language university would have on existing bilingual institutions, which have been increasing the number of their French language academic programs. However, there is a consensus across Canada among Francophones that existing French-language institutions should be strengthened and that there is a need for closer co-operation in establishing a broader range of post-secondary opportunities in French.

The place of minority communities

The Official Languages Act commits the Government of Canada to a policy of enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development. This is essentially a policy of fairness: its aim is to ensure equality of opportunity. But it is not, as some might suspect, a policy of pure altruism. History has taught us that the cost

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19 The recent Canada-Quebec agreement provides support for Heritage College (Hull), Champlain Regional College (Sherbrooke, Lennoxville, Saint-Lambert and Sainte-Foy), and Bishop's University (Lennoxville).

20 Anne Gilbert, *Resources for a French-Language University in Ontario*, July 1990, ACFO, p. 2

of neglect can often be far greater than the cost of caring. Providing our official language minorities with the wherewithal to survive and prosper is an investment in the future social and economic health of our country. For example, if young Francophones outside Quebec have greater access in their language to a range of educational opportunities of high quality, it is very likely that they will stay in school longer and eventually contribute more fully to the economic growth of the regions in which they live. At the same time, both Quebec and the country as a whole will benefit if young English-speaking Quebecers can be encouraged to remain in their home province and are given the French-language skills to compete in the province's job market. Strong institutional and government support can help strengthen their sense of identity and belonging, their communal values and ultimately their entrepreneurship. These are pragmatic reasons for a policy of support rather than of benign neglect.

Some will still argue that market forces should be left to do their work, that there are limits to what government can or should do to protect our official languages minority communities. However, ultimately each of us must answer the question: "What kind of Canada do I want?" How we accept one another as we go about our daily lives may yet determine whether our country will survive or perish. Since Confederation, and especially over the last two decades, we have chosen quite deliberately a road less travelled, the hard and demanding high road of accommodation and tolerance. As a result, many of the nations of the world point to us as a model. Will we now falter when the need for hope and confidence is greatest?

Second-language instruction

The teaching of English and French as a second language remains very popular among parents. A poll conducted in October 1989 by Environics Research Group for Canadian Parents for French reveals that 74% of all Canadians want the children of their province to learn the other official language. A majority of Canadians in every province hold this view, support being strongest among Francophones; fully 90% of those surveyed said they wanted their children to learn English. The number of school boards in Quebec offering the intensive English program continues to increase; this year the Montreal Catholic School Commission, the largest in the province, introduced this approach in its schools. In this program grade 5 or 6 students spend five months studying English.

This year marked the 25th anniversary of the St. Lambert experiment, an innovative way of teaching French by "immersing" a few dozen children in the language. From this little acorn a truly remarkable tree has grown. The popularity of French-language immersion programs has been phenomenal. Sceptics this year had wondered whether the gathering constitutional storm clouds would adversely affect enrolment. The answer is a resounding no. There are an estimated 288,000 children enrolled in such programs this year, about 8% more than last year. However, successful as they are, these programs are only one form of second-language instruction. A variety of core and enriched programs also provide Canadian children with the opportunity of learning the rudiments of the

other official language. The development of a growing range of options clearly reflects the desire of most English-speaking Canadian parents to have their children learn French in school at their own pace.

An important study on core or basic French second-language instruction was released last year. While the findings of the National Core French Study will take some time to filter down to all schools, their impact is beginning to be felt in classrooms across the country. A focus of the study was the exploration of the communicative-experiential approach to language teaching, which, it was felt, could fruitfully be put to more use in Canadian classrooms. The communicative approach places the emphasis on communicating messages rather than on studying the structure of the language. The study also considered ways of integrating a cultural and a general linguistic component into core French teaching.

In Quebec Canadian Parents for French (CPF) and many ordinary citizens were calling on their local school boards and the Department of Education to improve the quantity and quality of French-language instruction. A report prepared by CPF on the English Education Sector in west Quebec suggests that three-quarters of secondary students are currently graduating with a questionable grasp of basic skills in French. This is particularly dispiriting news when one considers how important the development of such skills is for the students and for the province as a whole. Alluding to the continuing brain drain of young Anglo-Quebecers, education specialist Jean-Pierre Proulx noted recently: "Given the inability of English-speaking institutions to train citizens capable of functioning in French, Quebec is training the citizens of the other provinces at its own expense."[21] However, the Department of Education has announced that it will spend $2.3 million over three years to improve French second-language instruction in English schools.

As might be expected, the development of French second-language programs has been attended by growing pains such as serious teacher shortages for immersion programs in particular, the need for better and more varied skill retention techniques, better proficiency measurement and more exchange programs. Our Office, for its part, has over the years been particularly interested in the issue of retention of second-language skills among the general population and among public servants. (See Part V for details on these and other issues.)

National Capital Region

We were pleased to learn that the National Capital Commission (NCC) and the Department of the Secretary of State had signed a memorandum of understanding in May to co-operate on initiatives to promote greater recognition and use of the two official languages in the National Capital Region (NCR). The NCC will provide, among other things, translation assistance to the voluntary and commercial sector for services to visitors, promote the use of a federal bilingual service

[21] Jean-Pierre Proulx, "L'exode des jeunes cerveaux anglophones", *Le Devoir*, December 13, 1990, p. B1.

symbol by the local tourism industry and assess visitor perceptions of bilingualism in the region. The Department of the Secretary of State already provides a wide range of financial and technical aid in support of official language minority community organizations to improve the delivery of services in both English and French in the voluntary and private sectors. It will ensure that assistance provided in the NCR is closely co-ordinated with NCC objectives.

In November the NCC released a report on future economic developments in the Quebec portion of the National Capital Region, prepared by officials from the municipal, regional and provincial governments in the Outaouais. The report, *Outaouais 2050*, suggests, among other things, that there is a growing estrangement between residents on either side of the Ottawa River. We are confronted with the paradox of a region where 42% of residents speak English and French and yet where problems of bilingual service in the commercial sector seem endemic and where dialogue at the community level between Quebec and Ontario residents is not all it should be. Once again the National Capital Region is proving that it is a microcosm of Canada. If the residents of the NCR and their elected representatives are committed to forging a new partnership as Canadians, they will have to work very hard to build symbolic bridges across the gulf that now divides people who should have many economic and social interests in common.

Study on language-related attitudes in the NCR

A study completed this year for this Office provided useful information on the linguistic climate in the National Capital Region. Conducted by Professors Richard Laurendeau and Paul G. Aubry of the University of Quebec in Hull, the study surveyed the language-related attitudes and behaviours of 1,637 residents of the NCR through personal interviews and telephone questionnaires. The responses to the 41 questions in the survey reveal similarities and differences between the two minority language communities of the NCR — Francophones in Ontario and Anglophones in Quebec — as well as comparisons and contrasts between these minorities and the majorities on both sides of the Ottawa River — Francophone Quebecers and Anglophone Ontarians. Using a model developed in behavioural research, the study also attempted to assess the flexibility of these four language groups and their willingness to change attitudes and behaviour.

The Franco-Ontarians proved to be the most bilingual of the four language groups covered by the survey, with 90% saying that they speak English fluently. They often speak English as well as French in the home, with their friends and especially at their place of work. Two-thirds of the Francophone Quebecers studied also said that they are bilingual and frequently speak English in the workplace, but less with friends and in their homes. Half of the Anglophones in Quebec said they spoke French fluently, using it often with friends and at work, but less often in their homes. The Anglophone Ontarians, of whom 20% were bilingual, did not appear to find many occasions to speak French. However, it should be noted that the Anglophones on both shores of the Ottawa River showed great interest in having their children learn French and about one-quarter of the

English-speaking respondents had (or once had) children who were being educated at least partly in their second language.

The Anglophone Quebecers and Franco-Ontarians surveyed experienced difficulties in obtaining some services in their preferred language in the Region. No fewer than 40% of Franco-Ontarians reported that their last dealings with their municipal and provincial governments were in English rather than French and one-third of them also reported using their second language to obtain services from the health and social services sectors and even the federal government. There was, they said, little opportunity to use French. However, the biggest problem was in the private sector, where one-half of the Franco-Ontarian respondents reported that their last dealings had been in English and they judged that there was little or very little opportunity to use French. On the other hand, a third of Anglophone Quebecers reported speaking French in their last dealings with their province or municipality, but most had used their first language with the federal government and the private sector. A third of the Anglophone Quebecers also said that there was little or very little opportunity to use English with health or social service agencies.

The Franco-Ontarian respondents often depended on English-language media for their recreational and cultural activities. They had watched more English-language than French-language television programs in the week before the survey and had listened to almost as much English- as French-language radio. By contrast, the Anglophone Quebecers had devoted much more of their time to the media in their first language. A majority of all four groups considered that the issues of bilingualism, biculturalism and linguistic duality are important or very important.

Anglophones on both sides of the Ottawa River tended to think that the English language is threatened in Quebec, and the same was true of both Quebec and Ontario Francophones regarding French in Ontario. The Anglophones were more inclined than the Francophones to believe that new compromises are necessary to solve the linguistic problems in the region. A majority of Franco-Ontarians, Anglophone Ontarians and Anglophone Quebecers think of themselves first and foremost as Canadians, but Francophone Quebecers were divided equally between those who thought of themselves as Canadians and those who thought of themselves as Quebecers.

In conclusion, the authors suggest that the official language policies in the Region appear to have had positive results. However, they point out that members of both minority groups studied continue to experience linguistic problems, Franco-Ontarians being in a more difficult situation than Anglo-Quebecers. For the Franco-Ontarians pressures to adopt the English language and the threat to their linguistic identity appear very real. For instance, the authors observed that while almost all of the Franco-Ontarian respondents generally spoke French with their parents, only two-thirds usually spoke French with their friends in high

school and just over half in college. The implication was that, as they progressed through life, the Franco-Ontarian respondents tended to become more and more anglicized; it should be noted, however, that many respondents have not lived all their lives in the NCR. The authors singled out the private sector especially as the area where French-language services most needed to be improved: "a more normal life in French (in the NCR) clearly depends on the private sector." Many Anglophone Quebecers in the Region felt they were not being fairly treated as members of a minority community and that their language is threatened. However, the authors suggested that the most serious problems were associated with the lack of adequate health and social services in English: "To ensure a more normal life in English for Anglo-Quebecers it would be necessary to improve access to English-language health and social services."

While our Office does not subscribe to all of the conclusions of this study, the research does provide numerous insights into the language attitudes and behaviour of residents in the National Capital Region. On a more practical plane, it suggests areas for improvement and paths to pursue in the search for accommodation. We hope to publish a summary of this study in the spring and circulate it widely to interested parties in the National Capital Region in the hope that it will stimulate debate and action on both sides of the Ontario-Quebec boundary to address the problems of both official languages communities on their own merit.

e. The 1988 blueprint for action: Follow-up?

One of the main features of the portion our 1988 Annual Report devoted to the adoption of the new Official Languages Act was the series of 60 recommendations on the action we believed and still believe necessary to give full effect to the Act and to ensure renewal of official languages programs. The results achieved thus far are summarized in the following table, while our general comments on progress appear at the beginning of the section of this chapter entitled "Federal Performance". By and large, the gains are not spectacular, but the tabling of draft regulations on communications and services in November holds promise.

Recommendations*	Status
I. FOUNDATIONS OF A MASTER PLAN	
Early adoption of all regulations under the Act.	Draft regulations on communications and services tabled in November 1990, but negative ministerial statement concerning early adoption of other regulations.
Ongoing communications program.	Little progress.

* See Part VI of our 1988 Annual Report for details.

Adequate resources.	Generally implemented.
Appropriate studies in all relevant areas.	Partially implemented.
Advance ongoing studies on the impact of privatization.	No indications that such studies have been undertaken.
Impact studies on the effects of free trade arrangements on French language and culture in Canada.	No studies. Little activity.
Effort to promote the identity and linguistic and cultural integrity of Canada.	Insufficient and inconclusive efforts.
Harmonization of commitments to official languages and multiculturalism policies.	Insufficient efforts.
Constitutional formula to support minority development and reduce imbalances through improved services in the minority official language.	Government position not yet stated.
II. REGULATIONS	
Regulations on communications and services founded on key concepts of "office", "significant demand" and "nature of the office". A clear definition of services to the travelling public provided pursuant to a contract.	Regulations on communications and services tabled in November 1990. Considered workable by minority associations and Commissioner but requiring adjustments.
Regulations designed to foster the effective use of English and French as languages of work.	Not implemented. A study on environments conducive to the effective use of English and French has been completed but not made public.
Other regulations or interventions called for by the Act.	Plans unknown.
III. PROGRAM MANAGEMENT IN THE FEDERAL ADMINISTRATION	
1. Responsibility and Control:	
• better accountability	Progressive implementation.

• letters of understanding:	
– Departments	Implementation under way.
– Crown corporations	None concluded yet.
• revision of official languages policies.	Not implemented.
• review allocation of translation resources.	Being implemented.
2. Service to the Public (See Parts II and IV):	
Nine recommendations concerning the Treasury Board Secretariat.	Partially implemented. Draft regulations on communications and services cover several aspects.
Two recommendations concerning the Department of the Secretary of State:	
• action on implementation by federal institutions of government's commitment to foster minority development.	Slow but steady progress.
• increase pool of translators and intensify efforts to identify and train interpreters.	Being implemented.
3. Language of Work (See Part II):	
Seven recommendations addressed to the Treasury Board and the Public Service Commission, as appropriate, to foster the use of English and French in the workplace.	None of these recommendations has been fully implemented; there continues to be some movement on a few.
4. Equitable participation of members of the two linguistic communities (See Part II):	On the whole, negligible progress.
Seven recommendations addressed, as appropriate, to the Treasury Board and the Public Service Commission to redress chronic sectoral and regional imbalances.	

IV. PROMOTION OF ENGLISH AND FRENCH IN CANADIAN SOCIETY

1. Official Language Minorities:	
Seven recommendations to the Department of the Secretary of State on a variety of issues affecting minority development.	Being implemented. Communications program is still weak and resources are insufficient to follow up on technical assistance to private-sector initiatives.
2. Radio and Television:	
A recommendation to the CRTC on improved access by minorities to broadcasts of House of Commons debates.	Not implemented.
A recommendation to the CBC on improved services to minority language communities.	Not implemented. Situation in 1991 will likely be considerably worse than in 1988 because of budget cuts.
3. Second-Language Instruction (See Part V):	
Five recommendations to the Secretary of State's Department and other interested parties on required improvements.	Progress is slow.
4. National Capital Region:	
Two recommendations addressed to the Department of the Secretary of State, the NCC and other interested parties concerning the recognition and use of English and French in the National Capital Region.	Memorandum of understanding signed recently. Few tangible results.

2. Regulations: At Last, the First Draft — When the Next?

At long last in the fall the first draft regulations under the Official Languages Act were tabled in Parliament. These regulations are also the most urgent since they deal with communications with and services to the public. The Act specifically provides for eight instances in which its implementation "may" give rise to regulations: agreements and treaties (Section 10); judicial proceedings (Section 17); health, safety and security (Section 26); communications and services (Section 32); measures to actively foster communications and services (Section 33); language of work (Section 38); equitable participation (Section 40); and other regulatory measures (Section 93). In our view such regulations "should" be promulgated in every instance in which they can contribute to effective implementation of the Act, particularly in light of the commitments made in the Preamble.

Background

Development of the regulations on communications and services began quite soon after adoption of the Act in July 1988 but initial consultations between the Treasury Board Secretariat and the Commissioner and minority official language associations took place only in the summer of 1989. There then passed several months characterized more by government hesitation — probably because of the Meech Lake Accord debate — than by finalization of the draft regulations. During this long period of shilly-shallying the Commissioner, in public statements, correspondence, private discussions and, especially, in appearances before the Standing Joint Committee on Official Languages, repeatedly emphasized and illustrated the extent to which the absence of regulations was harmful not only to areas requiring regulation but to language reform in general. This period was also marked by interventions from minority associations, which pressed the government to act without delay. On June 14, 1990, the Standing Joint Committee presented a *unanimous* report to Parliament strongly urging the government to table the draft regulations before Parliament as soon as possible.

Special report

Since nothing was happening and the Commissioner could not even obtain assurances from the highest government authorities that action would be taken before the end of 1990, he made use of an exceptional power and submitted a

special report to Parliament on October 25. The Commissioner thereby sought to emphasize that it was unacceptable that many Canadians were suffering serious prejudice as a result of the absence of regulations more than two years after proclamation of the Act. The report cited the principal occasions in previous months on which the then President of Treasury Board and the Prime Minister had made commitments — sometimes even in the House of Commons — to table the regulations. He also drew attention to some of the consequences of a lack of regulations: non-respect of the fundamental rights recognized in the Canadian Charter of Rights and Freedoms; weakening of public confidence in the fundamental principle of linguistic duality; encouragement of federal institutions to do nothing and take a wait-and-see approach; inequalities between institutions; the increased number of complaints; continuing inequities resulting from the lack of directives or their non-conformity with the Act; and so on.

Draft regulations

On November 8, a few days after the tabling of this special report and almost two and a half years after adoption of the Act, the new Treasury Board President, Gilles Loiselle, presided over the birth of the proposed regulations on communications with and services to the public. "New things are made familiar, and familiar things are made new." Alexander Pope's words were no doubt echoed by many whose relief after so long a wait was matched only by their satisfaction with the general thrust of the draft regulations.

The first reactions of the Commissioner and other major participants were generally positive. The Commissioner described the draft regulations as *equitable*, noting that both linguistic majorities would benefit from identical treatment and both minorities would have access to the same services in the same circumstances. He also found them *reasonable* given the significant demand criterion recognized in both the Charter and the Act. The Commissioner's November 8 press release indicated that he would suggest some improvements when he appeared before the committee responsible for studying the draft regulations.

The criterion used in the draft regulations to define "significant demand" — a criterion required by the Act to determine the circumstances in which minority language services are to be available from federal offices — is above all, and quite rightly, *demographic* in nature. Apart from a few specific situations in which it will have to be measured, demand is most often evaluated in terms of the numerical weight of the linguistic minorities (Francophones outside Quebec, Anglophones in Quebec). The size of these communities is measured by a formula, developed by Statistics Canada, which combines mother tongue with home language according to their respective importance, priority being given to mother tongue. For the provincial majorities, service is guaranteed at all times.

The regulations contain a *sliding scale* of services according to the relative or absolute size of the minorities and their location. In cities with more than 100,000 inhabitants (census metropolitan areas) and having a minority of at least

5,000 persons (e.g., Halifax, Montreal, Toronto, Winnipeg or Vancouver) each institution is to provide its services in both languages in a number of offices "at least" proportional to the minority population. When the minority population is under 5,000 (e.g., in St. John's, Trois-Rivières, London or Regina) the following key services are offered under the same calculation: income security (pensions, family allowances, old age security), post offices, employment centres, taxation and those of the Department of the Secretary of State.

In small towns and rural areas where the minority is greater than 500 persons and represents at least 5% of the population (e.g., Lachute or North Bay) the services of all local federal institutions are also offered according to the proportionality rule. When the absolute or relative size of the minority drops — in areas with fewer than 500 persons and more than 5% of the population, or more than 500 persons and less than 5% of the population (e.g., Maniwaki or Red Deer) — the above-mentioned key services, as well as those of the RCMP, are to be provided. In other cases any real and verifiable demand in the minority language that exceeds 5% will be considered significant.

These general rules are accompanied by specific ones which provide for bilingual services to the *travelling public* when their absolute number implies significant demand, this being the case especially for airports handling more than one million passengers a year, railway stations and ferry terminals handling more than 100,000 passengers a year, air and rail routes which start or end in Ontario, Quebec and New Brunswick, road entry points into Canada in these three provinces which handle more than 500,000 persons a year and the major point of entry, other than an airport, in the other provinces. The same applies in all circumstances where demand in the minority language is above 5%.

The draft regulations also provide for circumstances in which the *nature* of the service justifies that it be provided in both languages: designated clientele, posts abroad, situations involving the health, safety and security of the public, services in national parks and Territories, ship-to-shore communications, air traffic and marine traffic control, major exhibitions and games, and computerized and long-distance services.

Lastly, provision is made for a one-year period prior to the coming into force of most of these regulations. A text of the draft regulations is available from the Official Languages Branch, Treasury Board Secretariat.

Adoption process

In accordance with the Act the proposed draft regulations were tabled in the House of Commons. Thirty sitting days must pass before they can be published in Part I of the *Canada Gazette*. Interested parties then have 30 additional sitting days (this time, of the House of Commons and the Senate) to make representations to the President of the Treasury Board. Following this process, and once any amendments have been made, the regulations are published in Part II of the

Canada Gazette on behalf of the Governor in Council. In present circumstances publication could hardly take place prior to the fall of 1991 and the regulations are not likely to come into force until the fall of 1992.

Study of draft regulations by the Standing Joint Committee

The draft regulations were referred by the House of Commons to the Standing Joint Committee on Official Languages which, in a first round of hearings in December, heard from the President of the Treasury Board, the Commissioner and representatives of the English and French minorities most directly affected.

The Committee first heard testimony from Treasury Board President Gilles Loiselle, who presented the principles of the draft regulations, explained the rules and outlined some of their applications.

The Commissioner was invited to give his comments on December 5. He repeated his general agreement with the content of the draft regulations and emphasized that the text would, in his view, likely allow for a methodical implementation of the Act provided there was a systematic application of active offer. Without that, there would be no real choice of language for the minority public. In the interests of consistency, equity and conformity with the spirit of the Act, he made a number of suggestions, the major ones being:

- in census metropolitan areas with a minority population of over 5,000 persons the proportionality rule should be re-examined on a case-by-case basis in order to have each office respect the Charter and the Act, and the choice of offices and service modalities should be made in close consultation with the minority community;

- the criteria proposed for the definition of "significant demand", which is based in many cases on the minority population as a percentage of the total population, establishes unjustified differences between minority communities of equivalent size; only indicators based on absolute numbers should be used;

- the range of key services should be extended to institutions which, depending on the region, are of particular importance to minority community development;

- in the case of services to the travelling public the criterion for measuring demand should take into account the presence of significant numbers of foreigners; the rules should also specifically name Ontario, Quebec and New Brunswick.

Parallel to these recommendations on the regulations themselves, the Commissioner asked the Committee to invite the Treasury Board to issue, without delay, the directives required under the Act and to ask the Governor in Council to pre-

sent the rest of the regulations as soon as possible in 1991 so that they will come into effect no later than five years after adoption of the Act.

All present were taken aback by Gilles Loiselle's statement to the Committee to the effect that "we are not planning to propose regulations on these matters [language of work] in the near future because, in our view, they are not required."

The Commissioner reminded the Committee of the many reasons that make regulations indispensable for full implementation of the Act, particularly with regard to language of work and equitable participation. One cannot emphasize too strongly that:

- regulations have a quasi-judicial status, whereas directives do not;
- directives in most cases were addressed to departments, whereas the Act applies equally to Crown corporations;
- in the past 20 years directives alone have not succeeded in attaining the objective of equality for both languages as specified in the Act;
- regulations would enable the government to define its expectations for equitable participation;
- regulations would define the linguistic regime in the workplace: supervision, communications, services to employees, documentation and any other factor likely to constitute a workplace conducive to the use of both languages;
- even more important, the government's refusal to table other regulations could be viewed as a sign that it lacks confidence in Canada's linguistic future.

The Committee then heard testimony from representatives of minority associations: Alliance Quebec, the Association de la presse francophone, the Association of Quebec Regional Media and the Fédération des francophones hors Québec. Generally speaking, these spokespersons said they agreed with the government's proposals and the Commissioner's suggestions. In their remarks, they also noted that:

- some criteria based on percentages are the source of inequalities; in particular, demand on the part of a minority group should not be evaluated until service has been actively offered for a reasonable period; Alliance Quebec recommended that the percentage criterion for demand be eliminated or at least reviewed so that it applies to communications but not to services;
- the government should find a way of taking into consideration the *vitality* of minority communities, a necessary complement to numerical criteria; the

Act provides for measures designed to "to foster actively communications and services", an element closely related to the concept of "vitality";

- this vitality is found, for instance, in the publication of weekly newspapers whose presence is important, particularly in a period of reduced CBC French-language regional programming; the minority press also represents an essential type of active offer of government services;

- mechanisms are required to specify the language rights of Canadians in concrete terms and to ensure the introduction of active offer;

- the method of calculating census estimates should be made more precise to better reflect the realities of minority populations; the Fédération des francophones hors Québec recommended that the 5,000 person norm should be adjusted to 3,000 and that of 500 to 300 if the figures used remain those of Method I;

- services to the travelling public should be offered on all routes;

- New Brunswick, which has recognized the equality of status of its two official language communities, should be given a distinct status.

Judging from the interventions of its members the Committee appeared satisfied with the quality of proposals from the various associations and with the fact that these groups shared the same views.

The Commissioner intervened after this first round of testimony to present a synthesis of the briefs and discussions. Recalling his major recommendations, he noted the convergence of opinion on fundamental principles and the harmony of viewpoints in the quest for greater linguistic equity.

Before preparing its report to Parliament the Standing Joint Committee heard testimony in the early weeks of 1991 from senior officials of nine federal institutions, lobby groups and Public Service unions.

As noted by some members of the Committee, we cannot insist too strongly on the importance attached by Parliament to regulations under the Act and the harm that their absence is causing to the Canadian public and to federal employees. Since the first regulations will not come into effect until one year after their adoption, it is essential in the interim that the government establish information programs and present the other draft regulations. In so doing it will reaffirm its confidence in the fundamental principle of Canada's linguistic duality, a confirmation made all the more important by the increasing uncertainty over the constitutional evolution of Canada.

3. Language Rights: A Landmark Decision in Education

In 1990 the Supreme Court of Canada rendered a historic decision in the Mahé case (Alberta), a generally positive ruling on the meaning and scope of Section 23 of the Canadian Charter of Rights and Freedoms, concerning the right to minority language instruction out of public funds. The year saw few court decisions in other fields relating to official languages and language rights, but it did bring several legal actions concerning the Official Languages Act and language planning in the federal sphere, a sector which should henceforth receive special attention in these pages.

In this chapter we first summarize the Supreme Court ruling and then discuss two advisory opinions: the first, by the Manitoba Court of Appeal, on the compatibility of that province's education legislation with Section 23 of the Charter; and the second, by the Quebec Court of Appeal, on the compatibility of Quebec's Education Act with Section 93 of the Constitution Act, 1867, concerning denominational education rights. We then examine certain court decisions on various other constitutional rights with a linguistic component, as well as New Brunswick's adoption of a statute guaranteeing Anglophone and Francophone residents the right to be understood directly in their language in all provincial courts. We then focus on two decisions concerning the status of English and French before the courts in Alberta, and two rulings on the language used in forms contained in the Criminal Code.

We shall then look at the Final Report of the French Constitutional Drafting Committee tabled by the Minister of Justice in December. Prior to this official French version those constitutional enactments had been adopted solely in their English version.

On the provincial scene, we discuss a number of language cases that pitted a group of Rosemere citizens, their municipality and Alliance Quebec against Quebec's Office de la langue française. Those cases were the subject of a single ruling. We look at the intention of the Commission des transports de la communauté urbaine de Montréal to prohibit bilingual Canadian Armed Forces

recruiting posters in its vehicles. We then discuss federal administrative law issues, and, after examining three 1990 court challenges under Part X of the Official Languages Act, examine four disputes over language planning in the federal sphere.

This chapter would be incomplete if we did not mention the five-year renewal of the Court Challenges Program, which remains an essential tool in the promotion of human rights, particularly language rights. It is widely understood that language rights are a well-known species of human rights in Canada and should, in principle, be approached accordingly.

I. CONSTITUTIONAL MINORITY LANGUAGE EDUCATION RIGHTS

In its March 1990 decision in the Mahé case (Alberta) the Supreme Court of Canada established for the provinces a veritable code of ethics to govern minority language educational rights. The Court was unanimous in stating:

> The general purpose of s. 23 of the Charter is to preserve and promote the two official languages of Canada, and their respective culture, by ensuring that each language flourishes, as far as possible, in provinces where it is not spoken by the majority of the population. The section aims at achieving this goal by granting minority language educational rights to minority language parents throughout Canada. Section 23 is also designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of 'equal partnership' of the two official language groups in the context of education.

According to the Supreme Court, Section 23 first provides a general right to minority language instruction. It encompasses, however, a "sliding scale" of requirements. Where numbers warrant, the upper level of the range of possible constitutional requirements (i.e., the right to institutions) provides the right to have children educated in minority educational institutions managed by the minority and provided out of public funds. The term "instruction" used in Section 23 constitutes, as it were, the lower level of rights conferred under this section. Where it deems appropriate, a government is in no way prevented from providing its minority with more than the minimum required by this section.

Where numbers warrant, Section 23 confers upon minority language parents a right to management and control over the educational facilities in which their children are taught. The Court found that, depending on circumstances and the number of students, the degree of management and control may warrant an independent school board for minority language schools. It added, however, that such a board is not necessarily the best way of meeting the fundamental objective of Section 23; however, it found it essential that the minority language

group have control over those aspects of education which pertain to or have an impact upon their language and culture.

Even where it does not warrant an independent school board, a sufficiently large number of students may call for the appointment of a linguistic minority representative to an existing school board. This representation must then be guaranteed and the number of representatives must be at least proportional to the number of minority language students. Minority representatives must also have exclusive authority to make decisions about minority language instruction and facilities where such instruction is provided. This rule will apply in particular to expenditures, the appointment and direction of administrators, the establishment of educational programs, recruitment and assignment of staff, and even to the signing of agreements for education and related services. Where the number of students is not large enough to warrant representation on a school board other types of management and control may be required.

In light of the facts of the Mahé case, the Court found that, based on demand in Edmonton, there was a sufficient number of students to justify, on both educational and financial grounds, the creation of an independent school such as the one currently in existence and a permanent primary and secondary program. It ruled, however, that the number of students likely to attend the school was insufficient to justify creating a separate, independent school board. The Court thus concluded that Edmonton Francophones were entitled to be represented on the separate (Catholic) school board and to enjoy a degree of management and control. Given the current absence of any form of representation enabling Francophone parents to exercise that management right, the Court found that the province must enact legislation (and regulations, if necessary) consistent with the requirements of Section 23.

The Court also noted:

> The rights to management and control conferred by s. 23 of the *Charter* upon minority language parents do not infringe a "right or privilege with respect to separate schools" as guaranteed under s. 17 of the *Alberta Act*. The powers of management and control accorded minority language groups do not affect any rights in respect of the denominational aspects of education or related non-denominational aspects. Rather, a transfer of the powers in respect of management and control amounts only to the regulation of a non-denominational aspect of education, namely the language of instruction.

The Court observed that while some challenged sections of the School Act do not prevent authorities from acting in accordance with the Charter, they do not formally guarantee that Section 23 rights will be respected. The Court feared that, if the Act were invalidated, as the appellants had requested, authorities might be temporarily unable to change the system to meet Charter requirements.

On this point, the Court concluded:

> First, if the legislation is invalidated, the public authorities in Alberta would presumably be temporarily precluded from exercising their powers so as to change the existing system in order to comply with s. 23. Second, the real obstacle to the realization of appellants' rights is not the existing legislation but the inaction of the public authorities. To date, the legislature of Alberta has failed to discharge its s. 23 obligation. It should delay no longer in putting into place the appropriate minority language education scheme.

The Court also pointed out that the existing regulation requiring that at least 20% of class time be spent on English-language education also posed a problem. Section 23 rights include a general right for minority language parents to have their children educated in French: although a certain amount of mandatory English-language instruction may constitute a reasonable and permissible limitation on the exercise of certain fundamental rights, as provided in Section 1 of the Charter, the province had not proved in this case that it was necessary to provide 300 minutes a week of English instruction in Francophone schools. The regulation was thus not considered justifiable under Section 1 of the Charter and could not be maintained. Despite the clarity of this decision, the Supreme Court nevertheless suggested in its decision that other challenges in this regard might be possible if the spirit of the Canadian Charter of Rights and Freedoms is not complied with.

This ruling comes in the wake of earlier decisions by the same Court in Quebec cases and of the advisory opinions on Section 23 issued in various references, particularly in Ontario and Prince Edward Island. The Supreme Court has made a broad and generous interpretation of this provision of the Charter, as is appropriate in constitutional matters, particularly since in Canada, as the Court had already emphasized in earlier decisions, "language rights are a well-known species of human rights and should be approached accordingly". After receiving permission to intervene in the case, we did not fail to do so, given our keen interest in minority rights. We are very pleased with the decision, although we realize it will probably not put an end to court challenges under Section 23 of the Charter, particularly as regards the terms and conditions for implementing the principles stated by the highest court in the land. In Part IV of this Report we discuss action that has been or is being taken in response to this major decision.

Advisory opinion of the Manitoba Court of Appeal

The Manitoba Court of Appeal issued an advisory opinion in February 1990, prior to the Mahé decision. In that opinion on the compatibility of the province's education legislation with Section 23 of the Canadian Charter of Rights and Freedoms the Court was unanimous on one point, and a negative one at that. Section 23 of the Charter does not grant the province's minority the right to manage its own schools. However, four of the five judges found that the three

challenged sections of the Public Schools Act were incompatible with Section 23 of the Charter because the statute sets the minimum number of students for minority language instruction at 23. They recognized the minority right to separate institutions, where numbers warrant, but found that that right did not necessarily constitute a right to separate facilities. Fortunately, the Supreme Court decision in the Mahé case allayed concerns raised by this advisory opinion, which was ambiguous to say the least.

Other education cases

Other important education rights cases are still pending before the courts, particularly in Ontario, where the Association française des conseils scolaires de l'Ontario, Marleau and Séguin cases have not yet been heard. These cases concern various administrative aspects of school management, including Francophone minority representation on school boards and the funding of minority schools. Other cases are still before the courts in Newfoundland (Comité des parents francophones de Saint-Jean), Quebec (Griffin and Joël Hart cases), Alberta (Molgat case in Red Deer and Société des parents pour l'éducation en langue française in St. Paul), Saskatchewan (Association provinciale des parents francophones) and Ontario (*Gérard Piette* v. *Sault Ste. Marie Board of Education* and *Dorion* v. *Minister of Education*).

Four new cases mainly concerning school management have been introduced before the courts since the Mahé decision, one in the Northwest Territories (Comité de parents francophones de Yellowknife) and two in Saskatchewan (École Monseigneur de Laval in Regina and Association des parents francophones de l'école Beau Soleil in Gravelbourg). In Manitoba the Fédération provinciale des comités de parents francophones is seeking confirmation of Franco-Manitoban education rights on the basis of the Supreme Court's decision in the Mahé case.

II. DENOMINATIONAL EDUCATION RIGHTS

Quebec Court of Appeal Reference on the Education Act

In a very important decision for the future of the Quebec education system, the Quebec Court of Appeal issued an advisory opinion in September declaring the new Education Act, adopted in 1988, generally consistent with the requirements of Section 93 of the Constitution Act, 1867, regarding guarantees to denominational schools. The new statute, most of whose provisions are already in effect, is designed to transform the education system's denominational structures into linguistic structures in a manner consistent with the denominational rights protected by the Constitution.

Although this advisory opinion essentially concerns protected denominational rights in public education, it is obviously of interest to Quebec's Anglophone

minority and to the Francophone minorities of Ontario and a number of other Canadian provinces governed by Section 93 or an equivalent provision.

After providing a detailed analysis of the situation regarding dissentient schools, both Protestant and Catholic, at the time of Confederation, and examining previous decisions on the matter by the Judiciary Committee of the Privy Council and the Supreme Court of Canada, the Court concluded that Section 93 guarantees Catholic and Protestant minorities the right to separate schools outside the cities of Quebec and Montreal. In both those cities, however, Catholics and Protestants have obtained the right to denominational education, and, consequently, there is no longer any need for the minority to assert its right to dissentient schools. The purpose of Section 93 was thus to protect conscience, not to grant citizens the constitutional right to an education system that is both public and denominational. It was intended to allow the minority to act separately in a public education system that permitted the majority to put a religious stamp on its schools. It is therefore the right to dissentient schools and the recognized rights of Catholics and Protestants in Quebec City and Montreal that are protected by the Constitution. The legislature could conceivably even eliminate denominational school boards in both cities, provided it honoured the right to dissentient schools.

The Court recognized that citizens' rights to dissentient schools are, on the whole, clearly respected by the Education Act of 1988. The statute permits the establishment of separate denominational schools and school boards and provides for a system that enables minorities to control the moral and religious instruction given to their children. The Court confirmed, on the other hand, that the provincial government retains full power to alter school structures and has many means at its disposal to ensure that the right to dissidence is upheld.

Given the absence of appropriate transitional provisions, however, the Court anticipated certain problems in implementing the Act, particularly during the transition phase from the present to the proposed system. In particular, it feared that the constitutional rights of these minorities might be infringed during this phase. It also pointed out that the powers conferred upon the Montreal Island School Commission (composed of representatives of all school boards on the Island), which enable it to borrow on behalf of all dissentient school boards, might cause problems that could violate the rights of denominational schools or school boards.

In conclusion, the Court ruled unanimously that the rights protected by Section 93 are restricted to the denominational aspects of schools. All other matters are the responsibility of the provincial legislature and, while access to denominational schools is not guaranteed to religious groups other than Catholics and Protestants, the admission of students of other religious faiths is not necessary to safeguard the denominational character of the schools. Although Quebec's National Assembly attempted to provide reassurances on all these points by

adopting Bill 102 in late December, the case was nevertheless appealed to the Supreme Court of Canada.

We should also point out the possibility that, in other areas governed by Section 93 or an equivalent constitutional provision, the linguistic minority may ask authorities to reform administrative structures or management and control mechanisms. It is therefore appropriate to recall here that the Supreme Court of Canada clearly stated in Mahé: "The rights to management and control conferred by s. 23 of the Charter upon minority language parents do not infringe a 'right or privilege with respect to separate schools' [of a denominational nature]."

III. TRANSLATION OF DOCUMENTS INCORPORATED BY REFERENCE IN A BILINGUAL STATUTE

Brunet, Albert and Collier cases (Quebec)
In three Quebec cases fought on related legal grounds the Supreme Court of Canada ruled in February that two 1982 statutes concerning compensation and working conditions in the provincial and para-public sector were unconstitutional because they did not meet the requirements of Section 133 of the Constitution Act, 1867.

The Court found that the incorporation in a bilingual Quebec statute of a reference to a unilingual document cannot render the statute valid when the scope of the statute has the effect of imposing a legal standard that follows directly from the non-translated documents to which the statute refers. Unless a bilingual text of those documents is provided the statute remains a hollow shell. The content of collective agreements on wages and working conditions that had been tabled in the legislature in French only thus rendered the statute null and void, even though the text of the statute itself had been adopted in both languages.

***Albert Sinclair et al.* v. *Attorney General of Quebec*,**
City of Noranda and City of Rouyn, Mises-en-cause
In January the Quebec Court of Appeal unanimously overturned a Superior Court decision rendered in 1986 and allowed the appeal by the applicants who sought to annul the merger of the cities of Noranda and Rouyn. The Court declared the following unilingual French documents unconstitutional, invalid and of no effect because of their normative nature: (1) the order published in the *Gazette officielle du Québec* requiring the letters patent of the cities of Rouyn and Noranda to be issued; (2) the letters patent of the City of Rouyn-Noranda; (3) the notice whereby those letters patent went into effect. These declarations of nullity were based on the fact that the texts concerned were in French only. In the Court's view the texts had a legislative and not simply administrative character and were therefore contrary to the requirements of Section 133 of the Constitution Act, 1867.

In the Court's opinion it is the nature of such documents that characterizes them, not the titles given them or the way in which they are presented. Delegated legislation may of course come in various forms, but a legislative document nevertheless remains regulatory or normative in kind, as opposed to a writ of an administrative nature. The procedure adopted here by the legislature indeed had the characteristics of delegated legislation in that it divided a statute into separate, but necessary, stages. However, the third and fourth stages on their own also definitely constituted a form of delegated legislation. The case has been appealed to the Supreme Court of Canada.

Provincial orders in council, Manitoba

Readers will recall that the Manitoba Court of Appeal ruled unanimously in 1989 that the provincial orders in council drafted in English only to set up a Commission of Inquiry on the Administration of Justice and Aboriginal People were invalid and of no effect. In the Court's view they constituted not a "rule or directive of internal management", but delegated legislation of the Manitoba legislature affecting the public. As such they remained subject to the requirements of legislative bilingualism under Section 23 of the Manitoba Act, 1870.

The provincial government and the Société franco-manitobaine appealed the case to the Supreme Court of Canada under the unusual order issued by that Court in 1985 ratifying an out-of-court settlement between all parties appearing in the case that had given their agreement to Manitoba's commitment to translate its acts and regulations. The order provided that every party to the agreement may, if necessary, ask the Supreme Court to clarify part of its 1985 advisory opinion in the federal reference on Section 133 of the Constitution Act, 1867, and on Section 23 of the Manitoba Act, 1870.

IV. RIGHT TO A TRIAL IN THE OFFICIAL LANGUAGE OF ONE'S CHOICE

Boudreau case (New Brunswick)

In September the New Brunswick Court of Appeal allowed Denis Boudreau's appeal of the decision rendered last year by the Court of Queen's Bench ordering a new trial for the defendant in Provincial Court. That court had originally refused to admit as evidence the result of a breathalyzer analysis submitted in English only, whereas the trial had taken place in French. The Court of Appeal thus upheld the principles that formed the basis of another decision rendered in November 1989 in a similar case (Gautreau) by the New Brunswick Court of Queen's Bench.

In this instance the Court of Appeal ruled unanimously on three points: (1) an accused has the right in New Brunswick to a trial in either official language; (2) like every other accused in the country, he also enjoys the right to a fair trial; and

(3) a court has a duty to ensure that this right is exercised by taking all reasonable and necessary steps to enable the accused to understand the procedures, evidence and arguments. The Court specified, however, that the accused could have waived his right to a translation and the judge could have exercised his discretion and excused him from doing so, something he refrained from doing in this case.

Language legislation in New Brunswick

At year's end the New Brunswick legislature passed a statute that will enable any person, Anglophone or Francophone, to be heard by a judge or administrative tribunal that understands the accused's language. This statute corrects, in New Brunswick, the effects of the 1986 Supreme Court decision in the Société des Acadiens du Nouveau-Brunswick case. In that ruling the Court found that the right to speak English or French before the courts of New Brunswick and in any pleading in or process issuing therefrom, as provided in Subsection 19(2) of the Canadian Charter of Rights and Freedoms and the province's own Official Languages Act, did not in itself guarantee that persons may be understood directly by the Court in either language.

First promised by Premier McKenna at the 1989 annual meeting of the Association des juristes d'expression française du Nouveau-Brunswick, this statute recognizes the right of New Brunswick Francophones "to be heard by a court that understands, without the need for translation, the official language in which the person intends to proceed." It also broadens the current powers of appointment in order to give effect to this right.

Although persons charged with a criminal act have for some years enjoyed the right to appear before a judge who speaks and understands their language, the New Brunswick Minister of Justice and Attorney General made it clear when tabling the bill in the legislature that the new act would also apply to civil, quasi-judicial and administrative tribunals.

The Société des Acadiens et Acadiennes du Nouveau-Brunswick subsequently demanded that a similar amendment be made to the Constitution of Canada. Before this amendment is entrenched in the Constitution a resolution to that effect will have to be adopted by the provincial legislature, and both houses of Canada's Parliament will in turn have to adopt a similar resolution authorizing the Governor in Council to issue a proclamation to this end.

Section 110 of the North-West Territories Act, 1891

In a short, unanimous decision rendered in October 1990 the Supreme Court of Canada found, in the Paquette case, that Section 110 of the North-West Territories Act, 1891, remained in effect in respect of the province of Alberta (and, consequently, Saskatchewan) with regard to proceedings of a criminal nature or

having penal consequences under federal law. For further details the Court referred to the 1981 Mercure decision in disposing of the rest of the matter.

Since 1984 Mr. Paquette, the accused, had demanded the right to use French in his criminal trial in Alberta. To that end he had invoked Section 110 of the North-West Territories Act, 1891, which subsequently formed the subject of the Mercure decision in 1988 (Saskatchewan).

The language rights provided in Part XVII of the Criminal Code go beyond those provided in Section 110 and those described in the Alberta Languages Act of 1988, particularly, in this last case, as regards written documents and, in both instances, as pertains to the direct understanding of evidence by judge and jury. It nevertheless remains that, in matters of federal jurisdiction other than the Criminal Code, particularly in the punitive aspects of administrative law, Section 110 permits evidence to be given and documents to be submitted in French as in English. These rights could be broader than in other common law jurisdictions which do not formally recognize the right to use French in their courts of law.

A new "Lefebvre case" in Alberta

In October the Alberta Court of Queen's Bench found that engineer Yvon Lefebvre, who had been charged with an offence under the Highway Traffic Act, had the right to express himself in French, both orally and in writing, before the Provincial Court. However, the Languages Act passed in 1988 permits only the oral use of French.

The Court found that the Alberta legislature should amend its language law by inserting an additional clause giving Alberta citizens the right to plead their case, make written submissions and file documents in French in the Court of Queen's Bench of Alberta. The Court thus referred the case to the Provincial Court where Yvon Lefebvre will also have "the right to make oral communications and written submissions in the French language".

The Court based its opinion mainly on the provisions of the Canadian Charter of Rights and Freedoms (equality rights and freedom of expression) and on recent Supreme Court decisions in language cases in Quebec. In conclusion, it observed:

> The Crown is subject to declaratory judgments, and while a judicial declaration that the Crown has a constitutional duty to amend a regulation, or that a certain statute will violate the Constitution until amended by the appropriate legislative body would not impose a legal obligation on anyone, the political pressure on the government in question to carry out the responsibility as directed by the court should be sufficiently great to ensure the amendment to the statute.

V. THE CRIMINAL CODE: THE LANGUAGE OF FORMS

Lavoie case (Quebec)
In March the Quebec Superior Court ruled in a criminal matter (the Lavoie case) that the form entitled "Promise to Appear" appearing in the Criminal Code should contain a text in both official languages as provided under Subsection 841(3) of the Code and that such a form should be provided regardless of the surname or language of the suspect. The unilingual nature of the form thus nullifies the accused's promise to appear.

Sorenson case (Ontario)
In contrast, the Ontario Court of Justice ruled in June in the Sorenson case that "the failure of the Crown...[to meet its obligation to use a form printed in both official languages]...does not render the information a nullity" provided that the information complies in every other respect with the requirements of the Criminal Code. If, however, "the effect of such non-compliance is to mislead the accused or if the deviation goes to the substance of the information" the form would be ruled invalid.

It will certainly not be easy for the courts to reconcile the language rights of everyone in a context in which Constitution and ordinary statute, old law and new law, parliamentary legislation and delegated legislation, federal provisions and provincial provisions, criminal law and civil law are all pieces in a jigsaw puzzle that will be hard to assemble into a coherent system. It is our hope, in any case, that the empirical approach that attended the puzzle's creation will eventually be informed by a more Cartesian approach, thus enabling the jurists, not to mention litigants, to find their way.

Even in criminal procedure, that very specific field of exclusive federal jurisdiction, we will still be witnessing for some time to come an inevitable shifting back and forth between the jurisdictions and law courts responsible for interpreting these provisions. We will likely observe a number of different trends for a while yet, as has been the case in recent years with the right to use either official language before various courts, the right to a trial before a judge or jury that "speaks" the official language chosen by the accused, or the right of all defendants to know the evidence submitted against them in the official language of their choice. Judges at all levels of the judicial branch will still have to show considerable imagination over the next few years in sorting out the intricacies of this system.

VI. FINAL REPORT OF THE FRENCH CONSTITUTIONAL DRAFTING COMMITTEE: THE CANADIAN CONSTITUTION WILL SOON BE OFFICIALLY BILINGUAL

The Minister of Justice tabled the Report of the French Constitutional Drafting Committee in December. The Committee was set up in 1984, as provided in the

Constitution Act, 1982, to help the Minister establish the French version of certain constitutional enactments appearing in the schedule to that Act.

The report concerns more than 30 enactments, including the Constitution Act, 1867, and the statutes passed to amend it. The texts had been adopted in English only by the Parliament of the United Kingdom or had been based on texts passed in English only and traditionally accompanied by an unofficial French translation.

The report represents years of work in preparing a draft French version of most of the Constitution of Canada and is a major step in the development of an official French version.

Under Section 55 of the Constitution Act, 1982, a French version of the portions of the Constitution of Canada referred to in the schedule to the Act was to be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken had been so prepared, it was to be tabled for enactment by proclamation issued by the Governor General under the Great Seal of Canada "pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada".

VII. LANGUAGE DECISIONS AND ONE PROVINCIAL LANGUAGE CASE

Town of Rosemere and Office de la langue française

In August the Quebec Superior Court rendered a single decision on two cases pitting a group of Rosemere citizens, the municipality itself and Alliance Québec against the Office de la langue française. The municipality had challenged the Office's power to revoke its status (acknowledged since 1982) as a municipality serving a non-Francophone majority population and the benefits resulting from that status.

On procedural grounds the Court quashed the 1988 decision by the Office de la langue française to revoke the town's bilingual status. The Office had used an essentially statistical method in coming to its decision and had not given the town or its representatives the opportunity to be heard. The Court therefore concluded that the town should retain its previously recognized bilingual status.

The judge found, however, that, in some circumstances, the Office had the power, indeed even the duty, to revoke this exceptional linguistic status for a municipality or organization. He said he did not believe such a decision had the effect of limiting the freedom of expression of members of the municipality, as certain parties to the suit had claimed.

This decision was based on the essentially discretionary and administrative nature of the Office's decision. For the Court the exercise of administrative power in this case was nevertheless governed by the rules of protection of fundamental justice, which include the obligation to act fairly. As the case law con-

firms the procedural fairness rule applies to every decision by a quasi-judicial or administrative agency that affects the rights, privileges or property of a person. In the Court's view revocation of bilingual status makes this rule all the more imperative since previously granted privileges would be withdrawn: the injury in such cases is usually more serious than that caused by refusal to grant such status and the effects of such injury are more serious as well, given the situation of fact thus established.

Can bilingual federal government advertising be banished from CTCUM vehicles?

The Commission des transports de la communauté urbaine de Montréal (CTCUM) declared late in the year that it intended to remove bilingual Canadian Armed Forces recruiting posters from its vehicles because they were allegedly violating the Charter of the French Language (Bill 101).

In support of this decision the Commission offered its legal department's opinion that Bill 178, which was adopted in 1988 to amend Section 58 of Bill 101, provides that public signage and commercial advertising "posted inside every public transit vehicle and approaches thereto" must be in French only.

However, Section 58 of the Bill 101 appears in a chapter dealing with the language of business and commerce: it prohibits the use of a language other than French in certain areas by businesses, not by a government. Furthermore, according to Section 22, it is the provincial government that must use only French in signage; the federal government is not affected and is therefore not forced to comply with this requirement. What is more, communication with the public constitutes an essential element of federal government activity and tolerance of any barrier to such communication is tantamount to giving the province the power to prohibit the federal government from managing areas under its jurisdiction, in this instance the two official languages, as it sees fit. Any unwarranted barrier would obviously be intolerable. Lastly, well-established case law confirms that where there is a discrepancy between equally valid provisions, the one enacted by the province, the other by Ottawa, the federal statute is deemed to take precedence to the extent that the two are incompatible.

We were therefore pleased to see the President of the Commission de protection de la langue française, Mrs. de Fougerolles, indicate that Bill 101 as a whole did not apply to federal government advertising or signage. The President of the CTCUM subsequently announced he had asked his legal department to provide another opinion on the matter. That is where matters now stand.

We would like to take the opportunity afforded by this case to cite an October 1990 decision by the Supreme Court of Canada in *National Battlefields Commission* v. *La Commission de transport de la communauté urbaine de Québec*. Although the ruling was only indirectly related to this case it contains a highly

eloquent passage concerning federal jurisdiction and provincial statutes which, in our view, is relevant to this type of situation:

> Works, undertakings, services, things or persons which fall under federal jurisdiction are still subject to provincial statutes that are general in their application, provided however that the application of these provincial laws does not bear upon those subjects in what makes them specifically of federal jurisdiction. It is the fundamental federal responsibility for a thing or person that determines its specifically federal aspects, those which form an integral part of the exclusive federal jurisdiction over that thing or person. In the case of a federal service, its specific nature is affected if the provincial statute touches on a vital or essential aspect of its establishment, management or operation.

There can be no doubt that the official languages of Canada, in this instance a bilingual Canadian Armed Forces recruiting poster, are a vital and essential element in the management and operation of a federal service. It remains to be seen whether a public transit corporation has the right to prohibit a poster or advertisement of this kind.

VIII. FEDERAL ADMINISTRATIVE LAW: THE OFFICIAL LANGUAGES ACT, 1988, AND LANGUAGE PLANNING

a. Court remedy

The 1988 Official Languages Act gives anyone who has filed a complaint with the Commissioner under certain specific provisions of the Act the right to put his or her case before the Federal Court, Trial Division. The complainant may seek such remedy alone or in concert with the Commissioner.

Only one such action has been brought by the Commissioner to date. It concerned Air Canada and was filed in September 1990. More specifically, the action involved the interpretation and application of Section 30 of the Act on federal institutions' communications with the public and directly concerned the minority language periodical press. The Federal Court has not yet heard the case. Two other actions were introduced by complainants in 1990 without the Commissioner's help: the Côté and Professional Institute of the Public Service cases. The two cases mainly involve Section 91 of the Act concerning language requirements in the staffing process. No decision on any of the three cases was handed down during the year.

b. Cases concerning language planning in the federal sphere

1. Bilingualism bonus: Gingras case

In the Gingras case the Federal Court ruled in January that a former officer of the Royal Canadian Mounted Police and the Canadian Security Intelligence Service was entitled to the bilingualism bonus in the same way as a federal public serv-

ant. It found that the plaintiff had lost his right to the bonus for the years 1976 to 1979 inclusive under the rules of the Civil Code of Quebec, where he brought his action in 1985. His right to the bonus was confirmed retroactively for the years from 1980 to 1988, when he retired. The Court ruled that the exclusion of the staff of these two agencies which are covered by the Public Service Staff Relations Act constituted illegal discrimination under the rules of administrative law. This decision, which has been appealed, could have important consequences for the staff of both agencies. The ruling does not affect the Armed Forces and Crown corporations except for the staff of Crown corporations governed by the rules in effect in the Public Service, who, in any case, already receive the bonus.

2. Bilingualism of selection board members: McKinnon case

In May the Federal Court, Appeal Division, found in the McKinnon case that level A (the least advanced of the three second-language proficiency levels in the linguistic profile of public servants) was inadequate to enable a person to communicate effectively, without the services of an interpreter, with a candidate for a federal Public Service position expressing the wish to be interviewed in his or her language or in both languages at the same time.

On those grounds the Court ratified an appeal board's decision overturning the decision of a selection board. This ruling was made without prejudice to the decision of the appeal board, which had further found that the intermediate level B was also inadequate to ensure effective communication between a candidate and all board members. This case indicates that the Public Service Commission will have to be more vigilant in training its selection boards to ensure that the language rights of all candidates are fully respected.

3. Determining the language requirements of a position: Viola and Jollimore cases

a. Viola case

In November the Federal Court, Appeal Division, overturned a 1989 decision by a Public Service Commission appeal board in the Viola case and allowed the appeal of the Attorney General of Canada on the basis of the 1983 Rickets decision by the Federal Court, Appeal Division, under the 1969 Official Languages Act. Thus, once again, the Federal Court found that an appeal board president had considered and decided a matter beyond his jurisdiction by trying to determine whether the language requirements of a position were justified and whether they had not been established arbitrarily and improperly, contrary to the provisions of the 1988 Official Languages Act. Accordingly, the board's finding that there was reason to doubt the merits of the disputed appointments could not be upheld.

This decision sheds an interesting light on the scope of Section 91 of the 1988 Official Languages Act. In stating that language requirements must be required

"objectively", the Court expressly confirmed something that has always been only implied, namely that language requirements cannot be set arbitrarily or capriciously. However, this section creates no new law; rather, in the Court's view, its purpose is to provide comfort and reassurance. It would be vain to see in it any new jurisdiction for the Appeal Board, especially since Subsection 77(1) of the Act, concerning court remedy, expressly authorizes a complaint under Section 91 to be brought before the Commissioner, not the appeal board. Furthermore, it appears from Sections 35 (language of work obligations of federal institutions) and 39(2) (participation obligations of federal institutions) that the department concerned, not the Public Service Commission, is responsible for ensuring compliance with the Official Languages Act in the establishment of languages of work.

What is more, in the judges' view the cited provisions indicated that Parliament had directed its attention to the matter of selection based on merit. If it had intended to take the opportunity of giving the appeal board a new jurisdiction it would certainly have done so at the same time as it undertook to create the new judicial remedy contained in Part X of the Official Languages Act, 1988. It should not be forgotten that while the Act establishes the right of government officials to use either official language (Section 34) it also establishes the public's right to be served in either language in accordance with the provisions of Part IV (Section 21). It may be concluded that Parliament did not think it advisable to make the appeal board the proper decision-making authority to determine the respective rights of government officials and the public in the particularly sensitive area of language of work and language of service within the federal government structure. Parliament might well have preferred to make the Commissioner and judges responsible for performing this delicate task, and to raise any question as to that preference would be incautious.

The Court also pointed to the quasi-constitutional nature of the Official Languages Act, which, it stated, is not an ordinary statute because it reflects both the Constitution of the country and the social and political compromise out of which it arose. To the extent that it is the exact reflection of the recognition of the official languages contained in Subsections 16(1) and 16(3) of the Canadian Charter of Rights and Freedoms it follows the rules of interpretation of that Charter as they have been defined by the Supreme Court of Canada. Furthermore, to the extent that it is an extension of the rights and guarantees recognized in the Charter, and by virtue of its preamble, its purpose as defined in Section 2 and its precedence over other statutes under Subsection 82(1), it belongs to that privileged category of quasi-constitutional legislation which reflects "certain basic goals of our society" and must be so interpreted "as to advance the broad policy considerations underlying it". To the extent, lastly, that it is legislation on language rights, which have assumed the position of fundamental rights in Canada but are nonetheless the result of a delicate social and political compromise, it requires the courts to exercise caution and to "pause before they decide to act as

instruments of change," as Justice Beetz observed in the Société des Acadiens du Nouveau-Brunswick case in 1986.

b. Jollimore case

For the reasons expressed in the previous case the same Court ruled again in December, in the Jollimore case, that the appeal board did not have jurisdiction to review the appropriateness of the language requirements imposed by government. The board had therefore erred in law when it stated, "When the validity of a requirement is directly involved in an appeal it behooves the Board to take a position on the question so involved." Whether they be related to language or to shorthand — both were considered by the appeal board in this case — the appropriateness of the requirements established by a department can simply not be challenged before an appeal board. In this case the appeal board had wrongly reviewed both requirements. Consequently, the Court allowed the application and set aside the challenged decision.

In short, if the mandate of an appeal board is essentially to examine the selection criteria based on the merit principle it is now established that the language requirements of a position are beyond its jurisdiction. To challenge language requirements during a staffing action because one feels they are not objectively necessary to exercise the duties concerned one must now file a complaint with the Commissioner of Official Languages under Section 91 of the 1988 Official Languages Act. If necessary, the complainant must then seek court remedy in the Federal Court, Trial Division, under the Act or take direct action in Federal Court.

IX. COURT CHALLENGES PROGRAM RENEWED

We are pleased to note in closing that Parliament this year renewed the Court Challenges Program for five more years, until 1995. The program is funded by the federal government but, since 1985, has operated independently under the administration of the Canadian Council on Social Development. As of 1990 it will be administered by the University of Ottawa's Human Rights Research and Education Centre.

The Court Challenges Program continues to promote clarification of the fundamental rights in the Charter, including language rights, by providing financial assistance to benchmark cases of national scope undertaken by minority language individuals or groups. Since, in the Mahé case, the Supreme Court of Canada foresaw the possibility of new legal challenges relative to Section 23 of the Charter, this program offers strong and useful support which we will likely want to preserve for some time to come. The program's generous support to all official language minorities, who are still forced to plead in defence of their fundamental language rights in this country, is still today an essential tool, not only for the promotion of language rights but for the defence of all human rights.

4. Federal Policies and Programs: It Takes Two to Tango

a. Internal Programs

The Official Languages Act is based on three fundamental premises: equality of the two languages in federal institutions, support for minorities and, in more general terms, promotion of the official languages in Canadian society. In the first part of this chapter we propose to look at implementation of the Act in the federal administration (internal policies and programs); in the second we will review the impact of the Act in two other areas (external policies and programs). This chapter is therefore the hinge between the beginning of the Report, which summarizes our general observations on developments affecting linguistic duality in Canada, and the other parts, which deal with topics sector by sector.

The **internal policies and programs** of the federal government have three complementary components: service to the public in both official languages, which represents the ultimate objective, supported by the right of employees to work in the official language of their choice in certain designated regions and by the equitable participation of English- and French-speaking Canadians in federal institutions. These three components are supplemented by an important set of support measures.

The purpose of **external policies and programs** is to assist in the development and foster the vitality of minority communities and to contribute to the general promotion of English and French in Canadian society.

* * *

Four agencies play a preponderant role in implementing the Official Languages Act.

The **Privy Council Office**, in effect the Prime Minister's department, has always been the source of the signals received by central agencies and other federal institutions as to the importance and direction to be given to the official languages programs. Any signal received from this Office is followed assiduously and has

an impact. The absence of such signals is also significant, but more difficult to detect, since the Office speaks only to a select few (departments and, sometimes, Crown corporations). Other than a few whispers we heard hardly any clear messages in 1990. Let us hope that 1991 will be richer in positive, audible signals.

The **Treasury Board** should be the first to benefit from them, for the Act assigns it specific powers and obligations in the overall development and co-ordination of internal policies and programs. In other words, the Treasury Board should be the engine of the renewal decreed by Parliament. We do not ask that it display zealousness; in future, we would merely ask that it discharge more effectively all its language policy responsibilities.

The **Public Service Commission**, as watchdog of the merit principle, might also take a closer interest in the linguistic aspect of the staffing and training process for which it is responsible.

The **Department of the Secretary of State** has, in our view, a twofold mission: internally, to ensure co-ordination of the support provided to minorities by other federal institutions and to discharge its translation responsibilities; externally, to promote the minority communities and the official languages in Canadian society. The central role played by the Department in these two areas will become evident in the second part of this chapter and in the sections of the Report devoted to minorities and second-language instruction. As usual, we award this Department very honourable mention for its performance in most areas under its jurisdiction.

INTERNAL PROGRAMS: THE FEDERAL ADMINISTRATION

Treasury Board

Our survey of internal policies and programs deals with the leading role played by the Treasury Board and the varied administrative machinery that results therefrom.

Annual report

In December the Treasury Board published its second annual report on official languages in federal institutions. The report describes the development of regulations on communications and services, the situation of federal agencies and the activities of the Treasury Board. Since it covers only fiscal year 1989-90 this report could do no more than set out the principles underlying development of the proposed draft regulations tabled on November 8, 1990. These were based on the legislative and regulatory requirements, the characteristics of minority populations and the types of government services. Tabling of the proposed draft was the most important event of 1990 in terms of implementing the 1988 Act. (See Chapter 2.)

The Treasury Board's Annual Report gives a generally positive summary of the official languages situation in the Public Service. However, except in a few cases,

it would be impossible to know from reading its executive summary that the Treasury Board is also responsible for Crown corporations under Part VIII of the Official Languages Act. A Freudian slip? Is this parental abandonment attributable to a lack of statistical or other data or the result of ingrained solicitude for the departments and agencies directly under the financial and administrative supervision of the Board? Whatever the reason, it is insufficient to justify the absence of Crown corporations from the report when Section 48 of the Act specifies that the Treasury Board's Annual Report shall be concerned with "the status of programs relating to the official languages of Canada in the various federal institutions in respect of which it has responsibility under section 46." Fortunately, the chapter on the Treasury Board's activities to some extent rectifies this omission. Some of the Board's monitoring, auditing (audits, follow-ups), evaluation and information (for the public and employees) does in fact concern Crown corporations.

Activities

The activities of the Treasury Board Secretariat involved, as usual, program administration and monitoring, auditing and evaluation, information and liaison. Its principal achievements included its ongoing study on environments conducive to the use of both official languages; near completion of a study on participation in the Scientific and Professional category; providing financial assistance to Crown corporations to implement provisions of the Act concerned with language of work; adaptation of the Official Languages Information System (OLIS) to Crown corporations; publication of a folder and a poster on active offer, using the official languages symbol; distribution of a kit (guide and videotape) on how to chair bilingual meetings; and organization of two colloquiums on official languages and information technology.

The Treasury Board Secretariat provided helpful information from OLIS on the bilingual capacity of departmental offices. This shows how useful it would be to have an information bank that includes data on Crown corporations, as intended by the Act.

Regulations and directives

We would have liked to include in this list of achievements not only proposed draft regulations on language of work and participation but some of the directives intended to fill the gaps we have pointed out on several occasions in the past, particularly in the Blueprint for Action in our 1988 Annual Report. For instance, as the directive on information technology has shown, it is not necessary to wait for approval of any regulations to issue or revise policies in several key areas. Nor is it necessary to hesitate in the various areas that have been the subject of past directives which no longer comply with the Act, apply only to departments or are of dubious worth. The key areas now requiring directives include:

- *active offer*, the *sine qua non* for effective provision of service in the official language of members of the public;

- *use of the minority media*, particularly important in the case of small minority communities;

- *Section 91*, because it is essential that every linguistic requirement be justified objectively, both in departments and Crown corporations.

We stressed the importance of instruments to implement the Act in our 1988 Annual Report and reiterated it last year. The issue of regulations is discussed in Part I, Chapter 2. But the continuing absence of directives is still surprising. The appearance in December 1988 of instructions concerning automated systems had raised hopes that have not been fulfilled. We do not underestimate the problems posed by the formulation of the proposed draft regulations on communications and services; nevertheless, this sizeable task should not have prevented the drafting of directives to accompany the new requirements of the Act or, at the very least, the updating, adoption or correction of old or outdated directives or ones that applied only to part of the federal administration.

Letters of understanding and agreements

The Treasury Board Secretariat continued to negotiate letters of understanding with departments, but no "agreement" was concluded with the Crown corporations. Some 15 new letters of understanding were added to the 25 already signed; we understand that negotiations are quite far advanced for approximately 20 others. It seems improbable that the Treasury Board will even approach its objective of 80 letters by March 15, 1991.

These letters of understanding, developed in keeping with the policy of increased authority and responsibility, establish a relationship of accountability between the Treasury Board and institutions for a three-year period. Each letter starts out with a description of the organization's achievements in service to the public, language of work, equitable participation and administration of the official languages program. This is followed by a statement of objectives, a detailed action plan and performance indicators. Once signed, the letter constitutes the strategy document for implementation of the Act and may also serve as the basis for an internal accountability system. The organization then submits an annual progress report to the Treasury Board. We have said in the past that this procedure is, in our view, an effective method of increasing departmental accountability. We also recommended improving the general content of the letters by devoting special attention to the performance indicators. Generally speaking, the quality of the letters of understanding is gradually improving: the objectives and indicators are clearer and are more often formulated in terms of the results to be achieved. Two of the 15 letters signed this year — those with the Departments of Agriculture and Justice — stand out for the quality of their analysis, the clarity of the departmental commitments and the precision of the performance indicators.

It is still too early to give an accurate assessment of the actual impact of the letters of understanding. However, of the institutions evaluated in this Report, we

noted a tangible impact of the Act in half of those that signed a letter of understanding prior to 1990. If the letters of understanding system is to be effective, this proportion will have to increase substantially.

With respect to agreements with Crown corporations the situation, which was cause for some concern in 1989, is, frankly, disturbing this year. In fact, no agreement has yet been signed with these institutions, which are as much subject to the Official Languages Act as departments. In the Blueprint for Action in our 1988 Annual Report we recommended that the Treasury Board devote special attention to the negotiating of a kind of letter of understanding with Crown corporations. This recommendation, which was reformulated in 1989, is all the more urgent since many Crown corporations do not have an administrative infrastructure adapted to implementation of all elements of the Act and since Treasury Board directives pertaining to them are indeed rare.

Some have suggested that the letters of understanding could take the place of regulations. This suggestion may be attractive at first glance but in fact it is totally without value. While the regulations are general, long-standing and quasi-legislative, the letters have only an administrative, individual and temporary character: they derive their legitimacy from the regulations and directives themselves, apply only to a single institution and are valid for only three years. The Treasury Board Secretariat itself acknowledges these fundamental differences by indicating in the instructions concerning the letters that departments should not anticipate the regulations. In addition, the letters must be modified once the regulations are adopted so that they may play their role more effectively.

Treasury Board and language requirements

Judging by the relative stability, for the past five years, of the four types of positions in terms of language (Table I.1), one might be tempted to conclude that these percentages represent the "magic numbers" of linguistic distribution in the Public Service. What could be more normal, one might think, than for a system created in 1973 to have reached a certain equilibrium? Unfortunately this is not necessarily the case, particularly in light of the 1988 Act.

In reality, bilingual positions should be better distributed and a higher level of proficiency should be required. We have only to consider the 3,400 elementary level (A) positions (even if, as we shall see, this level is dwindling), and the 7,600 intermediate level (B) positions whose incumbents are, in fact, at the elementary level and who do not meet the language requirements of their positions. What role do these 11,000 positions play in the bilingual machinery of the federal administration? Moreover, there are 15,700 bilingual positions in Quebec, 53% of all positions in the province. No one could believe that it is indispensable for half the public servants in Quebec to be bilingual, either for reasons of language of service or language of work (unless, in the latter case, they make up for the linguistic shortcomings of their counterparts in the National Capital Region). These two examples alone effectively illustrate the qualitative and quantitative

Table I.1

Language requirements of positions, 1986, 1989 and 1990

Positions	1986	1989	1990
Bilingual	64,042 28.6%	61,741 29.4%	62,080 29.2%
English essential	131,563 58.8%	123,117 58.5%	124,911 58.8%
French essential	15,636 7.0%	14,021 6.7%	13,816 6.5%
Either/or	12,386 5.5%	11,415 5.4%	11,780 5.5%
Total	**223,627**	**210,294**	**212,587**

Source: Official Languages Information System.

improvements required. The government should therefore set itself the priority objective of improving the linguistic proficiency of public servants and also of redistributing bilingual positions by slightly increasing their number, if necessary, in accordance with the regulations on significant demand.

In our 1986 Annual Report we said, "We strongly recommend a steady upward pressure on second-language proficiency levels....by way of illustration, we might aim for a drastic reduction of the proportion of bilingual positions at the elementary level A by 1990-91 and an overall target of 35 or 40 per cent at the superior level C by 1992-93, the latter to include at least 50 or 60 per cent of the Management category."

What is the situation five years later? Has the "steady upward pressure" been applied? As Table I.2 shows, for the elementary level (A) the answer is a definite yes: the number of these positions has in fact fallen by 45.5% since 1986. At the superior level (C), progress is still more impressive and there has been an increase of 56.8%.

In the Public Service such improvements are, to say the least, unusual and worthy of note. The increase in the Management category is less marked but the percentage of positions at level C (27.7%) in that category is twice as high, as it ought to be, than in the Public Service as a whole. Moreover, the language proficiency in this category is rising slowly as a result of courses offered to Anglophone members of senior management. This should enable them to go from level B to level C in reading and oral interaction by 1998. If made systematically, this effort should strengthen the trend of recent years.

We can only express our satisfaction with this rise in the language requirements of positions and the fervent wish that it will continue — especially since it is

Table I.2

Language requirements of positions, 1986, 1989 and 1990

Level required	1986	1989	1990	Change in percentage 1986-90
Elementary	6,464	4,040	3,397	
(A)	10.1%	6.5%	5.5%	- 45.5%
Intermediate	49,758	47,409	47,755	
(B)	77.7%	76.8%	76.9%	- 1.0%
Superior	5,633	7,898	8,570	
(C)	8.8%	12.8%	13.8%	+ 56.8%
Others	2,187	2,392	2,357	
	3.3%	3.9%	3.7%	+ 12.1%
Total	**64,042**	**61,739**	**62,079**	

Source: Official Languages Information System.

accompanied, as we shall see below, by a general improvement in the linguistic proficiency of public servants.

To be sure, we are still a long way from the 35 to 40% of positions at level C in 1992-93 that we recommended in 1986 and, despite the strong gains made to date, we wonder how long it will take to achieve this objective. We continue to believe that it is by no means unreasonable to envisage a Public Service in which roughly one bilingual position in three would require the superior level (one in two in the Management category). One need only consider the relatively limited degree of proficiency required for level B — and especially level A — to want to see more positions at level C.

Level A

These reasons led the Federal Court of Appeal to rule last May that "there can simply be no doubt that level A is inadequate" to evaluate the professional proficiency of a candidate in a competition. The Public Service Employment Regulations stipulate that "the [selection] board shall be sufficiently proficient in the English or the French language, or both, as the case may be, to permit, without the use of an interpreter, effective communication...in the language or languages selected by the candidate...."

The Court thereby confirmed the decision of a Public Service Commission appeal board which had concluded that even level B was inadequate in such circumstances.

We were not surprised by this decision. We have said repeatedly in previous reports that level A is, with few exceptions, usually inappropriate, and we recommended, in our 1988 Annual Report, elimination of this level for most posi-

tions providing service to the public. This decision should hasten the elimination of a level that should never have existed, except in some special and restricted cases such as simply referring someone to a linguistically qualified colleague.

Real proficiency

As noted above, the percentages of bilingual positions and incumbents are substantially different at each level, the linguistic proficiency of employees being generally greater than that required by their position. The percentage of public servants (38%) who have received an exemption from all subsequent evaluation, meaning proficiency greater than the superior level, is of particular note.

Table I.3

Percentages of bilingual positions and incumbents, by level, 1990

	Positions	Incumbents who meet the requirements of their position	Real proficiency of all incumbents
Elementary (A)	5.5%	5.6%	7.2%
Intermediate (B)	76.9%	75.6%	29.8%
Superior (C)	13.8%	14.5%	13.7%
Exemption (E)	–	–	38.0%
Others	3.8%	4.3%	11.3%
	100%	**100%**	**100%**

Source: Official Languages Information System.

This surpassing of requirements is real only from a general perspective, however, for many incumbents do not meet the language requirements of their positions. We are therefore faced with a twofold phenomenon: some public servants do not have the linguistic proficiency required for their positions while others exceed the requirements. This statistical mirage should not lead us to conclude that those in the one category always compensate for those in the other. For example, Franco-Ontarians served by employees who do not meet the level B requirements cannot find consolation in the fact that some employees in positions at the same level in New Brunswick have obtained an exemption.

While we are pleased to know that 38% of public servants have a level of proficiency greater than level C, the fact remains that 83% of public servants met the requirements of their bilingual position 10 years ago and today this figure has risen to only 85.6%. We certainly do not think the public should consider it acceptable that one out of every seven public servants does not meet the requirements of his or her bilingual position.

Public Service Commission and language training

As in 1988 and 1989 the Public Service Commission was again unable this year to meet the demand for intensive and continuous courses in the National Capital Region. Two factors helped to perpetuate what should be only a temporary situation: the considerable increase in clients due to statutory and general administrative requirements (mainly staffing) and reduction of the Commission's language training program staff since 1987 (annual reduction of 40 person-years). Through this stringent diet the government sought to contain the costs of language training while maintaining generous access to it and increasing the private sector's role.

Temporary measures made it possible to reduce the waiting list for courses in 1990; these included the withdrawal of trainees not eligible for continuous courses and the purchase by the Treasury Board Secretariat of 83 person-years from the revolving fund. However, the waiting list grew longer at the end of 1990 and 600 additional requests are expected early in 1991. These measures do not solve the problem once and for all, especially since the regulations on communications and services should produce new language training needs. In addition, some departments had to use funds earmarked for training related to the career aspirations of employees for the purchase of statutory training, which is normally provided free of charge by the Commission, in order to circumvent the waiting list problem. This "black market" compromises the generous access to language training intended by the government. However, postponing the training of incumbents of bilingual positions for several months has a detrimental impact on bilingual services to which the public is entitled under the Act. At year's end the Treasury Board had agreed to reduce from 40 to 25 the number of person-years to be subtracted from the Commission's training program, but this measure is both late and inadequate.

In view of this persistent problem we can only recommend that the Treasury Board review as soon as possible the resources of the language training program so as to meet the priority requirements, present and future, of departments and to respect its commitment to generous access to language training.

We outlined this problem in our 1988 Annual Report, in which we urged the Commission "to use every means at its disposal to provide departments with essential bilingual resources." And in our 1989 Report we wondered whether the Treasury Board had not "reduced too quickly the resources devoted to language training...."

Since April 1, 1990, the Public Service Commission has provided, at departmental expense, language training related to human resource planning and the career aspirations of employees. This program seemed to be a success since it had already sold nearly all its services after six months. First of all, however, it was deprived of 83 person-years, used by the Treasury Board Secretariat to lend a hand to the statutory program. Then the fateful news, first heard late in 1990,

was confirmed early in 1991: the program was to end in the National Capital Region on March 31, obliging client departments to address their requests to the private sector. Only the regional offices of departments will be able to continue to apply to the Commission outside the NCR. Will private sector language schools be able to meet the demand, either quantitatively or qualitatively? We cannot help wondering whether it was worth the trouble of establishing such machinery without giving it the means to survive. In light of this unhappy experience our recommendation that the overall level of resources of the training program be reviewed seems to us more justified than ever.

Our 1989 Annual Report mentioned the question of upgrading the *linguistic proficiency of senior managers*. We urged departments to act with more speed but it would seem that our appeal fell on deaf ears. In fact, just 28 managers joined the list of participants in this course, which was intended to accept approximately 100 each year.

Without wishing to seem alarmist, we note that after a little more than three years only 112 participants have enrolled in this course and only 15 of them have attained the results expected (19 withdrew). Officials should lose no time in determining the reasons for such a poor outcome. In our opinion the lack of commitment both of managers and departments is a factor to be seriously considered.

What is to be said of the role of the Treasury Board Secretariat in this regard? The fact that the Secretariat and the officials of federal institutions tolerate this relative failure casts serious doubt on their repeated profession of commitment to the objectives of the Act and of the government. This did not prevent the Treasury Board from declaring courageously in its Annual Report: "Continued improvements made by this group of senior Public Service employees should, therefore, greatly improve the language of work component of the official languages program." At present, however, while 51.7% of all incumbents of bilingual positions have the superior level or an exemption, in the Management category the relevant figure is only 43.4%.

Receptive bilingualism

With the introduction in the Official Languages Act of the concept of work environments conducive to the use of both official languages, the notion of receptive bilingualism ought to be somewhat more widespread. The presence of public servants who have receptive bilingualism seems to us to be one of the essential ingredients to the success of bilingualism in the workplace.

At the risk of becoming tiresome we repeat the necessary cautions: receptive bilingualism should be reserved for employees in bilingual regions who work with colleagues of both language groups. It cannot replace full bilingualism for service to the public, supervision or any other task for which conventional requirements have been established. It does, however, allow those who consider themselves "functionally unilingual" to acquire sufficient second-language

knowledge to understand documents in that language or comments made at meetings, to cite the most useful examples. In addition, this type of bilingualism may make it possible to save on the costs of translation or interpretation.

We venture to say, moreover, that the study being conducted for the Treasury Board Secretariat on the factors that facilitate or impede the use of both languages in the workplace may lead to similar conclusions. Our impatience is probably equalled only by that of the departments that obligingly replied to the survey. Sixteen per cent of official languages directors in the departments stated, on a questionnaire concerning the second-language evaluation system, that they thought it necessary to measure oral comprehension separately, precisely because of the attendance by public servants at meetings of all kinds.

Professional training

The Public Service Commission conducted a survey of its clients to determine more accurately the reasons for their linguistic choices. Indeed, there is good reason to determine why, year in and year out, approximately 50% of Francophones attend courses in English while among Anglophones the comparable figure is less than 1%. Francophones fail to attend courses in French for two reasons: their linguistic habits at work (21%) and the availability and quality of the courses (32%). Fifty-eight per cent of the Francophone respondents work in English or in both languages while only 5% of Anglophones use both languages at work. However, only 47% said they wanted or preferred courses in English or expressed no linguistic preference[1]; thus there is room for at least an 11% improvement in this regard. As for linguistic conditions at work, it is clear that we are still a long way from achieving equality for the two languages and the environments conducive to their use referred to in the Act.

While the Commission has little influence on the situation of French in the workplace, it ought to take vigorous action regarding the 32% of Francophones for whom the availability or quality of courses in French still poses problems. To be sure, there has been a slight increase (3.5%) in the number of participants in French courses in the National Capital Region but there is still a long way to go before equality of status is achieved.

Although the Public Service 2000 (PS 2000) task forces have concerned themselves very little about official language issues, one of their recommendations concerning professional training may have some positive linguistic impact. They were surprised by the dispersion of departmental resources devoted to professional training and development and therefore recommended that more rational use of them be made by consolidating and harmonizing the expertise now scattered in the departments, where more than 90% of all public service training is given. We fully support this recommendation for, as we have said in previous annual reports, we believe that the consolidation of certain departmental

[1] Among Anglophones, 1.8% said they had no linguistic preference and 0.3% said they preferred courses in French.

resources would make it possible to offer a greater proportion of courses in French. Implementation of this recommendation would result in a larger pool of possible clients and solve the high cancellation rate problem; this would make it possible to offer more sessions. We only hope that the desire for administrative rationalization and the need for linguistic improvement are pressing enough to ensure the ultimate adoption of this recommendation.

Treasury Board and the bilingualism bonus

The bonus confirmation process, whose purpose is to reassess the linguistic proficiency of incumbents of bilingual positions, continued in 1990. The second-language knowledge of 6,075 public servants was assessed, and 5,774 (95%) met the requirements of their positions. Since the start of the process on April 1, 1987, some 36,000 public servants have been assessed and the success rate has been nearly 90%.

This updating of public service linguistic records is a very worthwhile exercise. It is necessary to ensure — as much for the good of the public as that of employees, whether bilingual or not — that public servants who receive the $800 bonus deserve it, at least in terms of their knowledge. In our opinion they ought also to deserve it in terms of the use they make of their second language. This bonus may have lost more than half its real value since its inception but it remains a source of problems that should have been looked into by PS 2000.

We had every reason to believe that the task forces, either on remuneration or classification, would propose an alternative to the current bonus system, especially since one of the recommendations concerns the integration of the SM group into senior management, which would result in substantial savings. This was the ideal opportunity for reviewing the very principle of awarding a bonus to compensate for the obvious additional problems for certain categories of employees, such as secretaries, that result from working in two languages. Must we wait until inflation erodes the bonus to the point where it will barely pay for public servants' coffee for the Treasury Board to decide to tackle the problem?

The distribution of this bonus was also brought into question in 1990 when the Federal Court ruled that an RCMP officer was as much entitled to it as a public servant (see Chapter 3). If the Appeal Court decision does not reverse this judgment we may see other federal employees in the Armed Forces or in some Crown corporations claiming the bilingualism bonus. All the more reason to reform this rickety structure, especially in a period of budget cuts.

Secretary of State and translation

The linguistic services of the Department of the Secretary of State translated 245 million words in official languages in 1990. Approximately 40% was farmed out to the private sector (compared to 35% in 1989). This approaches the objective of 50% set for 1993-94.

The Department of the Secretary of State pursued the implementation of various measures to adapt to a continually changing environment. For example, in the

context of Public Service 2000, the Department established pilot projects to facilitate direct access by managers to private sector translators.

Direct access to the private sector as well as the other administrative measures must not, however, make us lose sight of a fundamental consideration: the quality of communication. As our study on language of work in Quebec reveals, the quality of translation done by sources other than the Department of the Secretary of State often, unfortunately, leaves something to be desired. We cannot emphasize too strongly the need to exercise rigorous control over the quality of translated documents.

b. External Programs: Minority Support, Promotion of Official Languages and Research

Since adoption of the Official Languages Act, 1988, two and a half years ago, its impact on the promotion of official languages in Canadian society and on the vitality of official language minorities has produced real breakthroughs and progress. One is entitled to wonder, however, whether that progress measures up to the hopes that attended passage of the Act. Progress very often requires an effort over the long haul, one aimed at changing attitudes and behaviours. This, in addition to serious dialogue, calls for serious action. Under the Act, the prime mover in this task, the keystone in the architecture of the legislative text, is the Secretary of State. For this reason, the initiatives, activities and programs of this Department play a major role in the march towards equality for our official languages and development of the communities that speak those languages.

Department of the Secretary of State

The five sections of Part VII of the Act set out this responsibility in clear terms. Section 43, in particular, specifies that "The Secretary of State of Canada shall take such measures as he considers appropriate to advance the equality of status and use of English and French in Canadian society...". The section contains eight paragraphs, which define what those appropriate measures might be. These promotional measures concern society in general as much as they do the minority communities, provincial and municipal governments, the private sector and professional and union organizations. The Department of the Secretary of State is also the federal overseer of translation, interpretation and terminological work. In facilitating communication between Canada's two major communities, these activities form the foundation of linguistic duality. The Department's most recent initiatives are examined in Chapter 1(4a).

The Department faces a formidable challenge. In our 1988 Annual Report we recommended certain concrete steps it could take to meet it. The task requires an overview, a long-term plan and vigorous action. How has the Department performed? In our view, very well in most areas under its jurisdiction.

After looking at some of the answers to these questions that came out of the Department's own review of its activities, as set out in its annual report tabled in Parliament in December, we shall examine its actions with respect to the minorities, assistance for minority language education and second language instruction, as well as its interdepartmental co-ordination activities. We review its efforts to promote official languages in Canadian society, particularly its communications activities. We then examine its program evaluation system and conclude with a review of major research projects undertaken during the year.

Annual report

This second annual report on the Department's official languages responsibilities focuses on the 1989-90 fiscal year. In particular, it illustrates the growing co-operation between the federal and provincial and territorial governments with regard to official languages. Tabling the report in Parliament, Secretary of State Gerry Weiner said, "This spirit of partnership advocated in the new Official Languages Act has made possible a great many projects...".

The report, which contains a very detailed review of the Department's programs and activities, is easier to read than last year's, with numerous charts and highlighting of important passages of documents cited. A series of appendices provide useful information on the statutes governing the Department's mission, its budget and the major official languages agreements it has signed with other governments.

Minorities

Federal-provincial-territorial agreements and their implementation form the cornerstone of the structure the Department is striving to build to enhance minority vitality and promote official languages. The agreements are highly varied and concern such diverse matters as funding for educational sectors, creation of a federal-provincial trust fund to ensure the survival of the *Courrier de la Nouvelle-Écosse*, Nova Scotia's only French-language weekly, establishment of a cultural centre in Hearst, Ontario, and funding for minority community radio stations on Quebec's North Shore and in various regions of New Brunswick.

In November Canada and Manitoba signed a five-year framework agreement that set the parameters for co-operation between the two governments in promoting official languages. In the preamble the two governments "recognize that the presence of English- and French-speaking Canadians in Manitoba constitutes a fundamental characteristic of Canada." Based on this premise, the provincial government, with the Department's assistance, wants "to increase the capability of Manitoba to communicate and deliver services in the French language where appropriate and to contribute to the development and vitality of the Francophone community."

This is one in a series of framework agreements signed with other provinces and territories in recent years. Only three provinces — Newfoundland, Alberta and

British Columbia — have not signed agreements of this type and appear reluctant to do so. (See Part IV, Chapter 1.)

Education

In the field of education agreements between the Department and the provinces are also the basis for federal assistance for minority language education and second-language instruction. These agreements, most of which provide financial aid, are examined in greater detail in the chapters on the minorities and second-language instruction. Suffice it to say that in 1990 the Department signed agreements with Quebec, Newfoundland, Saskatchewan, the Northwest Territories and British Columbia, and also assisted a number of educational institutions through more limited agreements. They included Bishop's University and Collège Champlain in Quebec, Université Sainte-Anne in Nova Scotia and the "Cité collégiale" in Ontario.

Interdepartmental co-ordination

Interdepartmental co-ordination is one of the new activities and responsibilities falling to the Department under the 1988 Act. As noted in our previous annual reports, this important mandate assigns the Department certain duties and challenges similar to those of the central agencies. In 1989 we noted with satisfaction that its first initiatives in this new field were promising and that it had tackled the task vigorously.

We must report that the pace slowed somewhat in 1990. We understood that considerable effort went into structuring and consolidating the Official Languages Secretariat; we hope that this group will be able to return to its task with determination and energy. The Canada-Manitoba framework agreement signed in November 1990 will afford it the opportunity to do so. Section 15.1 of that agreement provides that:

> The Secretary of State of Canada, in fulfilling its mandate to promote a co-ordinated approach by federal departments and agencies to the development of official language communities and the promotion of official languages, shall encourage them to collaborate with their counterparts in Manitoba by participating in discussions and adopting courses of action as may be appropriate.

This is a concrete example of a specific application of the general principle of the Act.

In 1990, however, the actual achievements of the Official Languages Secretariat were certainly not of a kind that would instil in federal institutions a sense of the importance and urgency of adjusting the design and delivery of their programs to the specific linguistic nature and sensitivities of the minority communities they serve in the various provinces.

Of the initiatives being prepared or implemented, we note the following:

- the Department is negotiating with the Social Sciences and Humanities Research Council in an effort to convince it to adopt "linguistic duality" as one of its priority research topics in the near future;

- encouraged by the Department, Employment and Immigration Canada is considering the possibility of creating "youth co-operatives" in official language minority communities;

- meetings have been planned between the Secretary of State and Alliance Quebec to determine the specific needs of the Anglophone community in Quebec; similar meetings were held in 1989 between the minister and the Fédération des francophones hors Québec (FFHQ).

The Department first wants to encourage official language minority community representatives to determine and make known their priority needs. It will then help them approach appropriate federal departments and agencies on specific issues.

To this end, the Department prepared a *Directory of Federal Government Programs of Interest to Official Language Minority Communities*, which it made public at the FFHQ's annual general meeting last June. Developed with the active participation of various departments, the Directory is a useful document that will help users find their way through the maze of federal programs. However, it is apparently not well-known or used by all minorities, and the Department should try to encourage minority organizations to consult it more systematically in 1991.

In other respects the Department's approach to interdepartmental co-ordination seems somewhat muffled. It apparently feels that, as co-ordinator, it must favour the promotion of Canada's linguistic duality, but considers the notion of a statutory obligation in this regard a delicate matter, even though the government is committed under Section 41 to "enhancing the vitality of the...minority communities and supporting and assisting their development." Without trying to determine the exact nature of the statutory obligation imposed on federal institutions under the Act, and acknowledging the long-term educational value of the incentive approach, we nevertheless believe that the minister and the Department could be more enterprising and show a greater presence, as they did in 1989. The minister might make a more rigorous effort to remind his colleagues of this aspect of the Act. We wonder whether this is in fact what he did, for example, in two instances: treatment by federal institutions of the minority press and the impact of budget cuts on the CBC. In our view, such action falls within the scope of his mandate.

Promotion of official languages in Canadian society

Paragraph 43(1)(f) of the Act provides that the Secretary of State must take all necessary measures to "encourage and co-operate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages." The minister thus has a unique responsibility in that

this provision extends beyond the Act's normal field of application — the federal government, its institutions and federal-provincial relations — to embrace essential non-governmental Canadian institutions. Is it not ultimately in society at large that the long-term fate and vitality of Canada's linguistic duality will be largely determined?

Here again the Department considers its role to be to encourage action. This approach is a good and necessary one and we are therefore pleased that it provided funding not only to some 70 voluntary organizations to help them introduce bilingual service but to nearly 300 organizations to enable them to provide services in both languages at major events. However, we regret that resources are not adequate to meet demand: 27 voluntary organizations wishing to reflect Canada's linguistic duality in their activities were still waiting for an answer to their applications at year's end.

The Department might consider following up more actively on one successful 1988 initiative: a colloquium on "The Language of Business and the Business of Language", which we helped to organize. Its purpose was to demonstrate to the private sector the importance of language in customer relations. The recommendations that flowed from the colloquium, although very sound, appear not to have been implemented rigorously enough. For instance, the Department has not yet begun studying the possibility of developing a network of specialized terminology data bases created by associations. Another solid recommendation was that the Department open negotiations with provincial governments to have them assist the private and voluntary sectors, in co-operation with the federal government, in improving or introducing bilingual services. The only concrete results in this regard were a pilot project developed with New Brunswick to provide greater assistance to voluntary organizations in that province, and joint Canada-Quebec funding of a French-language translation of a scientific newsletter. Perhaps the time has come to step up efforts in this area.

We also wanted to determine more precisely what importance voluntary organizations attached to linguistic duality. To that end we and the Department have jointly commissioned a study, conducted by the Coalition of National Voluntary Organizations, on the status and use of official languages within such organizations and on their officials' willingness to promote official languages in Canadian society. The findings of this study, which we expect to receive in 1991, will provide invaluable information on this matter.

Nowhere is Canada's linguistic duality more important than in the National Capital Region. As we have already pointed out on a number of occasions, under the Official Languages Act the National Capital Region is the centre *par excellence* for equality between our two official languages. In 1990 the Department took a most useful step when it signed an agreement with the National Capital Commission to promote linguistic duality in the Region. We examine the highlights of this agreement in Chapter I, along with other developments concerning

the vitality of English and French in the National Capital Region.

Evaluation

Throughout 1990 we expressed an interest in knowing how the Department was progressing towards the objectives under the Act regarding promotion of the official languages within Canadian society.

Its accomplishments in this field are undeniable. First, five-year evaluations are being conducted in accordance with evaluation criteria established by the Comptroller General. Official languages programs are to be evaluated next in 1992, and the Department is already starting to establish parameters for that exercise.

Second, a variety of specific measures have been taken to analyse at least some of the programs, one of the most important being the annual report on official languages that the minister is required to table in Parliament. The report, made public in December, is resolutely optimistic in tone: it concerns all the Department's activities but contains no specific judgement as to the progress made in meeting the objectives of the Act.

Lastly, there are the *ad hoc* evaluation reports which all institutions are required to produce from time to time. These reports and studies accurately measure the effectiveness and performance of programs implemented by the Department. But do they help us determine whether its activities are achieving the objective set by Parliament? To what extent do these activities enhance the vitality of the Anglophone and Francophone minorities in Canada, and are they best suited to do so? To what extent do they encourage the private and voluntary sectors "to provide services in both English and French and to foster the recognition and use of those languages?"

Is there an evaluation method other than a simple review of policies to measure achievements against the general objectives of the Act? Although some results can be measured, others are far less easy to assess. It is still difficult, but not impossible, to establish social development indicators. The Department and the minority communities could make a joint effort to determine development priorities and refine them over the years. Such priorities would then serve as evaluation criteria adapted to the needs of the communities and provinces and to available resources. We are prepared to take part in this effort based on the abundant documentation provided over the years by the minority associations themselves.

Resources required by a broadened mandate

The budgetary framework of the Official Languages in Education Program and the Promotion of Official Languages Program was established in 1988 for a five-year period. This was before adoption of the 1988 Official Languages Act, which breathed new life into the federal official languages program as a whole.

No one therefore could have predicted at the time, mid-way through the five-year cycle, that a large number of projects that meet the program criteria would have to be rejected for lack of resources.

It would be more than regrettable if the Department of the Secretary of State were not to receive the financial resources required to maintain momentum in these areas and to take on certain new challenges. Will plans for school-community centres — facilities that have demonstrated their great socio-linguistic value — have to be suspended for two or three years until new funds become available?

If there is one sector where a means must be found to meet new requirements it is in the development of "appropriate minority language education schemes" to give effect to minority language education rights, as required by the decision of the Supreme Court of Canada in the Mahé case. The Department of the Secretary of State cannot abandon the partnerships it has developed with provincial governments to implement Section 23 of the Charter. It is therefore essential that the necessary funding be made available. It might be necessary to consider the conclusion of special subsidiary agreements with governments that have defined an "appropriate scheme" to ensure that it is put in place as quickly as possible. In short, it would be very regrettable, especially in the present context, if the priorities established by the Official Languages Act could not be met for want of adequate financial resources.

Communications

The tumult that Canada experienced in 1990 makes it even more imperative, in our view, that objective statements on our linguistic duality be vigorously promoted and developed to overcome ignorance and prejudice.

In 1990 the Department produced an official languages kit. Packed with information and facts on our official languages, the initiative comes in response to a real need.*

The Department is preparing to launch two videos on official languages. The first is for the general public and will outline basic information and the importance of Canada's linguistic duality. The second is aimed mainly at federal institutions and is designed to inform them about the reality of the minority communities and the services they need.

Along with the Department's annual report and relatively infrequent speeches by the minister, these items constitute the major "information products" produced or in preparation other than routine texts such as press releases. Although this production is not negligible, we feel it does not meet demand. No doubt preferring to let sleeping dogs lie, the government has remained timidly on the sidelines of

* The kit's format is debatable, since it has loose pages which can be lost.

public debate and has been much more ardent in its defence of other policies, which, though clearly important, are less closely related to our national identity.

In late 1989 the Department was preparing to submit an ambitious communications plan to higher government authorities. We have heard no more of this. What level of government is responsible for this lukewarm approach to the defence of our linguistic duality, which is the object of persistent, often ill-considered attacks?

Some will be tempted to answer that this Office exists, that it has resources and that there should be no duplication of functions. That is true, although our resources are very limited. Our achievements are detailed in Appendix A. However, this Office is not the mouthpiece of government and cannot discharge government's responsibilities in this field. Whose responsibility is it, for example, to refute the curious argument advanced by some minority leaders that government bilingualism has harmed minority groups? Or the statement by others that services provided in the minority language tend to "bilingualize" the country needlessly? This is a role that cannot be played by government alone; it is also up to parliamentarians to do their share and to explain the country to their citizens.

Commissioner's Office and Secretary of State's research highlights

In 1990 research was again an invaluable tool in the development of official languages policies and support to minorities, just as it was in the planning of communications activities. The research programs of the Department of the Secretary of State and our Office are well developed and provide academics, researchers and government with very useful studies. In 1991 and subsequent years, however, research should be based more on government's operational needs and, if possible, should ensure greater co-ordination among the various university and other research centres. The relative scarcity of funds will require all research managers to be more selective and pragmatic.

The major studies commissioned by this Office and completed or under way in 1990 are:

- *Official Language Minority Education Rights in Canada: From Instruction to Management*. This study focuses on the interpretation and implementation of Section 23 of the Canadian Charter of Rights and Freedoms and on the many court decisions on official languages in recent years.
- *Report of the Survey on the Use of the Official Languages in the National Capital Region*. Prepared and analysed by Professor Aubry of the Université du Québec à Hull, this survey provides information on the behaviour and expectations of the different majority and minority official language groups in the National Capital Region. The main conclusions of the preliminary version of this report are discussed in Chapter I.
- *Annotated Bibliography of the Official Languages of Canada*. Prepared for this Office by the Centre international de recherche en aménagement lin-

guistique of Laval University, this bibliography concerns the general issue of official languages in Canada from 1960 to 1989. Eighty-eight titles are surveyed under 15 headings.

- Jointly with this Office, the Department of the Secretary of State is preparing a study that may well lead to a national survey or to consultations on the attitudes of majorities and minorities toward one another's problems.

- We have asked Statistics Canada to examine the impact of language requirements on the career paths of federal public servants, particularly in the National Capital Region.

- The Ontario Institute for Studies in Education is conducting a study for this Office on the maintenance of second-language skills acquired through second-language training.

In 1990 the Department of the Secretary of State commissioned or made public the following studies:

- a series of 12 individual studies on the situation of official language minority communities, their economic, cultural and artistic development, and the media that serve them;

- a series of monographs on thematic aspects of official language community life such as human resources training was under way as we went to press. In particular, the Department announced studies on community radio for English-speaking Quebecers in Saint-Augustin, Quebec, and in the Lake Huron and Niagara Peninsula regions of Ontario;

- a number of partly descriptive, partly bibliographical studies are also under way. Mostly conducted by academics, they will focus on various aspects of minority community life;

- a series of demolinguistic profiles of the 10 provinces and two territories prepared by Réjean Lachapelle and Louise Dallaire, two Statistics Canada researchers, were a major success and are being reprinted.

PART II

Analysis Reform in Federal Institutions

1. The Ombudsman and the Citizen

The number and nature of complaints we received in 1990 indicate that, for lack of regulations specifying the scope of the 1988 Official Languages Act, language reform seemed to have reached a dead end. However, the following chapter of this Part, which deals with language of service, suggests some progress is being made. But, whether in terms of equitable participation of both language communities or language of work, the language rights of Canadians seem to be left in a state of suspended animation. It is fortunate that the government, following the report of the Standing Joint Committee on Official Languages and our special report to Parliament, finally decided in November to table a draft of the proposed regulations on communications with and services to the public. Once implemented and explained to Canadians, these regulations, whose general thrust had been known to officials for some time, should result in improved service to the public in both languages. Four years will have elapsed, however, before the first regulations take effect; how long will we have to wait for all the regulations provided for in the Act?

The right of federal public servants in bilingual regions to work in the official language of their choice is still misunderstood and also requires Governor in Council regulations to clarify its scope. The same is true with regard to equitable participation of the two official language communities, which has been characterized by serious sectoral imbalances for many years. Such sluggishness will appear inexcusable to anyone familiar with the dynamic spirit and commitments of the 1988 Act.

Complaints received in 1990 show once again that Canadians are treated unequally from one institution and region to another and continue to reveal the administrative clumsiness of the federal machinery and the low priority too often assigned by federal managers and employees to service in both official languages. To those who might take comfort from the fact that the 2,690 complaints we received are very few compared to the vast number of transactions between federal institutions and Canadians we would point out that a recent study by an American foundation[1] shows that only 4% of dissatisfied consumers complain. The others prefer to keep silent, but 90% of dissatisfied clients, where possible, switch suppliers at the first opportunity. We know

1 U.S. Direct Selling Education Foundation.

from experience that the Canadian public is not much inclined to complain and we have repeatedly said so. Again this year, many examples have strengthened our conviction that a single complaint may represent a very large number of contraventions of the Act. For example, we received just six complaints about a unilingual English letter sent last June to some 38,000 French-speaking Canadians! It would be wrong to think that the other 37,994 were unconcerned; they simply lost a little more confidence in the respect given to the Act.

This chapter reviews the various trends evident in complaints this year. We also discuss, in addition to court remedy, the methods favoured by our Office to deal with cases submitted by the public or public servants. Finally, we describe some typical case histories from 1990 as concrete illustrations of some of our activities.

Subjects of complaints

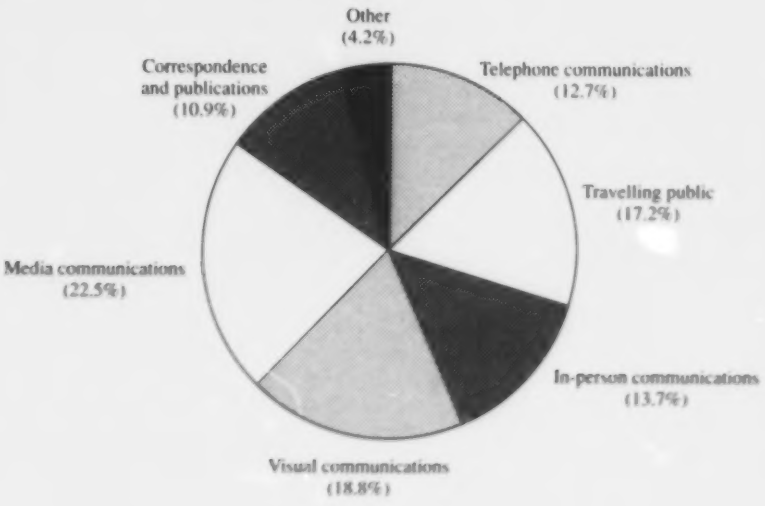
The number of complaints receivable under the Act fell slightly in 1990, to 2,276, compared to 2,388 in 1989. An additional 414 complaints were not receivable, either because there was no contravention of the Act or because the subject of the complaint was not within the Commissioner's mandate. Since proclamation of the new Act in 1988 the number of complaints has increased by approximately 25%.

Service to the public was naturally the subject of the largest number of complaints. We agreed to investigate 1,980 cases of this type, or 87% of all receivable complaints. Since the shortcomings mainly concern service in French, a total of 89.2% of complainants were Francophones. There were 246 complaints from Anglophones, or 10.8%. Complaints from English Quebecers rose from 137 to 139.

In 1990 there was a decrease in the number of complaints from the National Capital Region and the Atlantic region, with declines of 19% and 13% respectively. Everywhere else the increase in the number of complaints was substantial, beginning with Ontario (up 12%). In Quebec and the West the increases were 10% and 5% respectively.

Among the principal topics of complaints about language of service, media and visual communications still hold first place. In 1990, 443 complaints concerned use of the media by federal institutions, which did not always respect their obligation to publish notices in both languages. This figure (19% of all receivable complaints) is close to last year's (451) and reflects the absence of a clear government policy designed to better inform federal institutions of the meaning of Sections 11 and 30 of the Act. Signage was the subject of more complaints (373) in 1990 than in 1989 (311). Active offer of bilingual services was especially weak in the West, Ontario and Quebec — this despite the introduction of the Treasury Board symbol in 1988. Complaints in this area most often concerned infractions by airport concessionaires or by Canada Post Corporation subcontractors who operate postal counters.

Figure 1 **Language of service (1990): investigated complaints**

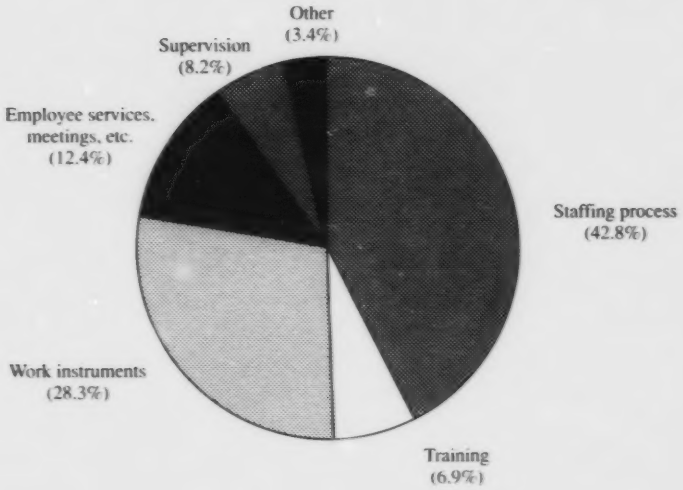


While the total number of complaints involving language of work remained about the same, we noted that this type of contravention has more than doubled in Quebec. Most concerned the absence of work instruments in French in offices of Canada Post, the Canadian Security Intelligence Service and Canadian National Railways.

Section 91 of the Act, concerning the obligation of federal institutions to define objectively the application of language requirements to staffing actions, gave rise to 116 complaints compared to 93 last year. The trend testifies to the interest aroused by this new provision, which is designed to protect majority and minority communities equally. The staffing process is based on objective criteria in order to eliminate an arbitrary approach to the linguistic identification of positions, to the establishment of levels of second-language proficiency requirements and to the use of imperative or non-imperative staffing. Eight out of nine complaints (89%) from the Quebec region came from the Francophone community, i.e., the linguistic majority. Conversely, complaints from Anglophones accounted for 22% (24 of 107) of all cases submitted to us from elsewhere in Canada.

Figure 1 shows the breakdown of complaints in terms of the various services provided by the federal administration. The nature of complaints concerning language of work is illustrated in Figure 2. A summary table showing the distribution and nature of complaints submitted in 1990 is found in Appendix A.1. All figures include Crown corporations.

Figure 2 **Language of work (1990): investigated complaints**



The systemic approach

Our Office continued to group together certain complaints in order to attack the common causes of contraventions. This systemic approach was applied to complaints involving use of the English and French media, active offer of bilingual services and application of Section 91 concerning staffing. The grouping of complaints resulted in each case in a special report accompanied by recommendations to the Treasury Board.

We received a large number of complaints concerning Sections 11 and 30 of the Act on the use of English and French media. We therefore made recommendations to the Treasury Board that a policy and directives addressed to all federal institutions be developed, circulated and implemented regarding announcements of federal services in both official languages.

The active offer of bilingual services was the subject of another report. We noted that the greeting in federal offices is rarely in both languages, even though this is required by the Act. We recommended that offices able to provide bilingual service be better identified to the public.

The third report dealt with Section 91. This new provision specifies that the identification of language requirements must correspond "objectively" to the duties assigned to each position. On the basis of complaints received by the Office, the report noted a lack of leadership on the part of managers — ignorance of the Act, absence of regulations, complexity of bilingual position classification and staffing systems — and insufficient knowledge of the needs of

clients. The Commissioner made a recommendation to the Treasury Board about how to rectify these shortcomings.

Court remedy

The Commissioner's court remedy power, set out in Part X of the Act, is an extension of his role as linguistic ombudsman. It opens up new possibilities by allowing anyone who has submitted a complaint about a specific infringement, and who has failed to reach an amicable settlement, to ask the Federal Court to rule. The complainant may exercise the right to court remedy alone or with the assistance of the Commissioner. In order to facilitate the exercise of this right, in 1990 we published and made available to complainants a brochure entitled "Towards Linguistic Justice".

In our role as ombudsman, we naturally attempt to reach negotiated solutions between the parties, court remedy being viewed only as a last resort. In nearly all cases complainants and the federal institutions in question accept the Commissioner's advice and recommendations. There is every reason to believe that the existence of the court remedy has some influence on the willingness of institutions to reach an amicable solution.

The first and only court remedy action we have undertaken on behalf of a complainant was filed in the Federal Court in September 1990. It involves Air Canada and concerns the interpretation of Section 30 of the Act, which deals with the obligation of federal institutions to use media that ensure effective communication with the public in both languages.

Two other court remedy actions in the Federal Court were undertaken without the Commissioner's assistance. The cases of *Côté* and *The Professional Institute of the Public Service*, which are currently before the Court, are concerned mainly with Section 91 of the Official Languages Act on the objective application of language requirements to a staffing action.

Case studies

A typical complaint concerns services provided to the public by federal institutions. Several of the cases referred to below fall into this category, but we have included others dealing with the choice of language of work. The provisions concerning equitable participation of members of both language communities cannot be the subject of individual complaints given their collective aspect.

Inmates have rights

We received three complaints from Anglophone inmates at the Cowansville federal penitentiary in Quebec that quickly attracted our attention because of their significance for the population of all correctional institutions, especially since these complaints were in addition to many others filed over the years from all parts of the country. It should not be necessary to draw attention to the special

importance attached to respect for the language rights of persons who, by virtue of being in institutions or intimidating situations, may find it more difficult to assert such rights.

The complainants alleged that the psychiatric care they needed was not available in their language. Each time we intervened the Correctional Service acted promptly and did what was required to ensure that the inmates received the care they requested in the official language of their choice. Nevertheless, since we regularly received complaints of this nature, it seemed clear to us that shortcomings persisted in the availability of psychiatric care in English. We therefore decided to pursue our investigation.

Psychiatric services are not provided by the Cowansville Institution. In fact, the Correctional Service has signed a contract with a specialized institution under which psychiatric care is provided to inmates in various penitentiaries in the Quebec region. Although the contractual agreement stipulates that services must be provided in both official languages, we found cases of non-compliance. One of the complaints, for example, pointed out the lack of treatment in English for disorders of a sexual nature. The inmate was offered an alternative only after many weeks of negotiations.

Psychiatric care is one of the essential services provided to inmates. In some cases, the therapy becomes an integral part of inmates' supervision plans in correctional facilities and may be a decisive factor in rehabilitation. Unless they have received the prescribed treatment, inmates have not fulfilled all the conditions of their incarceration and may, for example, see their applications for parole delayed. It is imperative therefore that psychiatric care be freely offered in both languages in correctional facilities. Our investigation is continuing in an effort to identify all aspects of the problem and propose solutions.

Official languages and architectural heritage

Some complaints that at first sight seem innocuous enough can be very difficult to resolve. The following is a good example.

We conducted an investigation into the unilingual inscription "Royal Mint" carved in stone above the main portal of the Mint on Sussex Drive in Ottawa, which had been the subject of complaints to the Office.

The Royal Canadian Mint building was built in 1908 at a time when Canada did not yet coin its own money. At the time, the building housed a branch of the Royal Mint of London, and this explains the wording of the inscription on the lintel. How to reconcile this historical fact with the requirement of the Act that a federal institution be identified in both official languages?

In view of the origins of the Mint building and its heritage value it would have been unreasonable to change or cover up the original inscription on the stone lin-

tel. After all, we cannot rewrite history. On the other hand, the status quo was not acceptable because the facilities on Sussex Drive now occupied by the Mint and located on the Capital's ceremonial route were not properly identified in both languages. After months of often difficult discussions with the many federal authorities involved — the Royal Canadian Mint, the Federal Heritage Buildings Review Office, the Department of Public Works and the National Capital Commission — we finally reached a solution: highly visible bilingual signs, in a style that harmonizes with its architecture, on the fence surrounding the building. The work was completed in the fall, and the results are satisfactory. After procrastinating for years, National Defence should take inspiration from this example to rectify the unilingual identification of the Drill Hall located in downtown Ottawa.

Banff: the hills are alive with the sound of both languages

Of all the national parks in Canada, Banff undoubtedly holds pride of place in the hearts of nature lovers. Visited by millions of people each year, it is the best known of all the parks, and there are few visitors to western Canada who do not plan a stop there.

As a result of repeated complaints from French-speaking visitors who noted, among other things, the absence of service in their language at the main entrance to the park on the east side, the Office decided to conduct an audit. Our officers found that there were bilingual staff at the gate but that service in French was still not always provided. The bilingual officers worked in one of the four toll booths at that location, but it was impossible for drivers, in the absence of signs, to know where service in French was available. The long lines of cars also prevented unilingual officers from seeking the assistance of a bilingual colleague. In short, the procedures in effect did not meet the requirements of the Act with respect to active offer and the provision of bilingual service.

We made a report to the Canadian Parks Service and, backed up by complaints from the public, asked that the situation be corrected. The department complied willingly by adopting an action plan designed to rectify this shortcoming, as well as the others noted in various parks in the West. In the case of Banff, we are particularly pleased with the initial results. At the approaches to the east entrance the Park had a large electronic board erected over the road to tell drivers, among other things, which lane to use for bilingual service. This solution has the merit of ensuring better service in both languages and limiting the number of bilingual officers required to provide it. In this case, as in many others, complaints were responsible for a change that is no doubt greatly appreciated by French-speaking visitors to Banff National Park.

Should the language of work be that of the strongest?

The 1988 Official Languages Act differs in a fundamental respect from its previous version: it now explicitly recognizes the right of federal employees, subject

to the requirements of service to the public, to work in the official language of their choice in designated regions of Canada and in the National Capital Region. In addition to their obligation to serve the public in both languages, federal departments and agencies must foster work environments where employees feel free to use English or French.

A Francophone employee of the Canadian Museum of Civilization complained that he was the subject of discrimination by a unilingual Anglophone supervisor. He pointed out that he was unable to work and be supervised in French, that work instruments and instructions were given to him in English and that, consequently, his work had not been evaluated fairly. His performance rating, in his opinion, was a factor in the decision of the Museum to declare his position surplus.

Our investigation clearly established that a number of contraventions of the Act's provisions on language of work had taken place. The supervisor was unable to communicate with the Francophone employee in French, had given him complex work instructions in English only and had not respected his subordinate's choice of language for the performance evaluation. The management of the Museum immediately rectified these problems. It is unlikely that such a situation will recur, at least in this institution.

Our investigation did not reveal, however, that the contraventions regarding language of work had influenced the employee's performance evaluation. The Museum's decision to abolish positions was in no way related to this issue, and the selection of surplus employees had been made on the basis of which tasks were eliminated. While the complaint did not result in the employee, who had been given a new position, being reinstated, it had the merit of improving the Museum's management practices with respect to language of work.

Aircraft can land in French

On June 20, 1990, Ottawa International Airport inaugurated the first phase of its program to make air traffic control bilingual. Since then pilots have been able to communicate in French with the control tower during the peak hours of 7 a.m. to 11 p.m. Transport Canada is to expand bilingual services at the airport until they are available 24 hours a day, effective March 31, 1991.

This event is of some importance, although it comes after many delays and raises some concerns about the way the system put in place operates.

A number of air traffic controllers assigned to Ottawa are not yet adequately bilingual. To provide service in both languages at any hour of the day at least 12 qualified bilingual controllers are needed. Training in this highly specialized area is long and arduous, hence the difficulty in finding adequate numbers of bilin-

gual personnel — including supervisory personnel — in the space of a few months. So as not to unduly delay its bilingualism program at the Ottawa control tower, Transport Canada chose to proceed in stages. The control tower communicates with Anglophone and Francophone pilots on two different radio frequencies, which does not seem to pose any particular problems. In Quebec, where bilingual air traffic control has been in operation since 1979, controllers and pilots communicate on a single frequency.

While Transport Canada can take credit for managing its resources to provide air traffic control in both official languages over Ottawa, we cannot help wondering whether better long-term planning might not have averted some of the obstacles it faced. It requires time to train specialists. The requirements of bilingualism must therefore be taken into account when candidates are hired and throughout their training in order to ensure the availability of a pool of qualified bilingual employees long in advance.

Don't fire if you don't understand!

The Act and the Commissioner assign very special importance to situations where the use of both official languages may be a factor essential to the effectiveness of measures designed to protect public health or to guarantee the safety or security of the public.

While conducting an investigation at the Defence Research Establishment at Valcartier we looked into weapons tests to determine whether the official languages were taken into consideration during exercises. Our investigators attended practice firings, interviewed various participants and examined the relevant documentation. Before range exercises, an officer gives persons working on the site instructions on safety and procedures. The instructions were given in both languages, but this had not always been the case. Prior to 1989 officers used to give their instructions to individuals or groups, as required. In some cases unilingual Francophones did not fully understand the instructions because the range safety officers, of whom there are three, were not all bilingual. One day a truck driver who had misunderstood the duty officer when he told him to head towards the protective barrier headed instead towards the firing range!

At the time of our visit all three range safety officers on duty were bilingual. However, this situation can change at any time because of staff rotation. Range safety officers are usually master gunners and belong to the artillery. There is a shortage of bilingual personnel in this area. The Commissioner recommended, for safety reasons, that the Armed Forces immediately take measures to ensure that all range safety officers working in sectors where both language groups are present are bilingual. The Department of National Defence has informed us that it will offer a larger number of places to artillerymen in language training courses. At the time of writing, however, the Department has not yet solved the problem of filling each bilingual master gunner position with a qualified incumbent.

GST blues

Under Section 22 of the Act every federal institution must ensure that any member of the public can communicate with and obtain services from its head or central office in either official language. This provision arises from Section 20 of the Canadian Charter of Rights and Freedoms, which specifies the right of each citizen to bilingual services under the same conditions. In other words, the principal offices of a federal institution must, as a matter of course, provide service of equal quality in each official language without members of the public having to ask to be served in the language of their choice.

Last May the Department of Finance distributed an information tabloid on the GST to Canadian households. Twenty-three persons, both Anglophones and Francophones, complained that they had not received this information in the official language of their choice.

After we asked for an explanation, the Department told us that it had distributed more than 10 million copies of the tabloid. Out of concern for cost, it said, it distributed the tabloid in both languages in all regions of Canada where the minority language population was greater than 5% to 10%. Elsewhere, households received the tabloid in one language only. The unilingual copies included a notice inviting taxpayers of the other official language community to telephone a toll-free number to obtain a copy in their own language.

We explained to the Department that, because of the method of distribution chosen, the Act required that all these booklets be bilingual, since the Department did not know the linguistic preference of the addressees. The Department said it would make every effort to comply with this requirement. Meanwhile, at our request, it indicated that it was preparing a letter of apology for us to forward to the complainants along with a bilingual copy of the tabloid.

The Department subsequently seems to have had second thoughts; in October it informed us that in future its documents in separate English and French versions would be distributed on the basis of more detailed demographic information. There would, however, be more bilingual versions, and unilingual copies would indicate that the information was available in the other official language on request. No sooner said than done: a second information kit was distributed and we received 15 new complaints!

It should be noted that the Official Languages Act does not require federal institutions to use a specific method of disseminating information. It does, however, create an obligation for the head office of an institution that chooses to distribute documentation to all Canadians to do so in both official languages, unless it knows the linguistic preference of the addressees. At year's end these matters were still under review.

2. Language of Service: Second Debut

We are pleased to report that the provision of services in both official languages progressed in 1990, even if there are many areas that still need improvements. Without a doubt, the tabling of the long-awaited draft regulations on communications and services to the public was the major highlight of the year. Yet it took a report to the Senate and the House of Commons by the Standing Joint Committee on Official Languages and our special report to Parliament to bring the government to table its draft regulations which, unfortunately, in the best of circumstances will take effect four years after the adoption of the 1988 Act. However, the tabling of the draft regulations is a belated but welcome sign of confidence in the durability of language duality in Canada. The proposed regulations present, for the first time, uniform rules for all federal institutions in terms of minority language service and confirm the right of the official language minorities to communicate with and obtain available services from these institutions in the language of their choice. (See Part I, Chapter 2.) They point in the same direction as Public Service 2000, one of whose main purposes is to improve service to the public.

Our evaluations of 50 federal institutions, taken together with our investigations, show that the 1988 Act is slowly but surely beginning to have a positive impact on service to the public. Treasury Board's symbol of active offer, which was distributed throughout federal offices in 1989, helped considerably and objectives on services to the public, which are an integral part of the letters of understanding between Treasury Board and some 40 federal institutions, are showing some results. Transport Canada is completing regulations to ensure that all air carriers travelling over Canadian territory with more than 20 passengers will be required to make safety announcements in both official languages. Parks Canada significantly improved the provision of services in French in its western parks, particularly in Banff. Health and Welfare, Energy, Mines and Resources and Agriculture Canada have taken preliminary steps to bring certain regulations on the labelling of consumer products in line with the Official Languages Act. Customs and Excise continued to improve its bilingual services to the public at border

crossings, in Ontario particularly, and bilingual air traffic control was introduced at the Ottawa International Airport.

In this chapter readers will find an update on the implementation of our previous recommendations, a perspective based on complaints, an office-by-office assessment of service to the public and the results of a special study on active offer of bilingual service to the travelling public.

Follow-up to recommendations

Most of our recommendations in recent years have dealt with the concepts of "significant demand", "nature of the office", services provided by third parties, health and safety requirements, as well as national and international events. The Governor in Council draft regulations tabled in 1990 addressed these concepts, with the exception of the concept of "office", which remains to be defined in directives.

Other recommendations involved the administrative aspects of the program, such as the progressive elimination of the elementary level (A) of second-language proficiency, the presence at all times of a fully bilingual level C employee capable of handling complex issues in each bilingual office, the strengthening of control mechanisms to monitor administrative arrangements made to provide bilingual services on a regular basis, and monitoring measures pertaining to active offer. These recommendations were implemented unevenly. Fortunately, the number of occupied bilingual positions with the elementary level of second-language proficiency has decreased significantly since 1987 from 5,835 (9.3%) to 3,547 (5.7%) in 1990. Recommendations concerning the presence of a fully bilingual level C employee and the strengthening of control mechanisms have not yet been implemented.

Complaints in a nutshell

There are many areas where corrective measures are required and the complaints received year after year by this Office point to the improvements needed. In 1990 the number of complaints about service to the public decreased slightly from 2,085 in 1989 to 1,980. The three institutions with the most complaints were the same as the previous year: Canada Post (354 in 1989 and 274 in 1990), Transport Canada (328 in 1989 and 248 in 1990) and Air Canada (225 in 1989 and 255 in 1990). It is no surprise that institutions with the most contact with the public are the target of the largest number of complaints. However, it seems totally inexcusable that the same problems keep recurring (e.g., lack of services in French by Air Canada at the Toronto and Winnipeg International Airports and by Canada Post retail outlets in Moncton, Halifax and Edmonton). The number of complaints against Consumer and Corporate Affairs has increased considerably, from 58 in 1989 to 129 in 1990. Most were about unilingual English

packaging and labelling of imported products. A review of the legislation and regulations governing the language of packaging and labelling in light of the 1988 Act has been undertaken by this Office.

Complaints from Alberta increased to 204 (10.3%) from 123 (5.9%) and Ontario went to 362 (18.2%) from 303 (14.5%) a year earlier. The increase in Alberta focused on person-to-person communications; in Ontario (excluding the National Capital Region) the increase is mainly due to complaints on direct communications and services to the travelling public. It was astonishing this year, as in 1989, to see an increase in the number of complaints about lack of service in French (88 in 1989, 95 in 1990) from Quebec where close to 95% of federal employees are Francophones. The main subjects were unilingual English telephone and person-to-person communications; several cases involved precedence given to English.

An office-by-office assessment

The Canadian Charter of Rights and Freedoms and the Official Languages Act set out the right of members of the public to communicate with and receive available services from any head or central office of a federal institution in either official language, and the same right with respect to any other office of such institutions where there is a significant demand. In 1990, in order to determine the degree to which this provision has been complied with, we undertook a study to assess the active offer and delivery of adequate services in both languages and to identify the regions where offices, although designated bilingual by the institutions themselves, offer good or poor service in both languages.

The study focused on bilingual regions included in significant demand areas defined by the government in 1982 and on the unilingual regions of Canada where federal institutions have offices already providing services in both languages. To evaluate the availability and adequacy of services offered, five indicators were used: the number of bilingual positions providing service to the public, the proportion of bilingual positions occupied by qualified incumbents, the average number of qualified bilingual employees in each office, and complaints and audits findings.

The results clearly indicated that federal offices located in the National Capital Region and Quebec have ample capacity to provide services in both languages. The further from the NCR and Quebec, the worse the quality and provision of bilingual services. For example, New Brunswick, Toronto, Northern Ontario and Winnipeg were found to have sufficient bilingual capacity but the public often faced a hit-or-miss situation. In the more distant offices (western Canada and most of the Atlantic region) it was obvious that the insufficient number of bilingual employees hampers the provision of acceptable services in both languages.

In the National Capital Region the provision of services in both languages remains satisfactory despite a few anomalies such as security services at the Ottawa International Airport and a few private postal outlets. This is no surprise; 75% of service positions are designated bilingual and 83.3% are occupied by incumbents who meet the linguistic profile of their positions. Nevertheless, some weaknesses persist, as shown by the 268 complaints received in 1990. Although this seems high, it is a 25% decrease from 1989.

Quebec has the best performance in service to its minorities, even though the quality of language could at times be improved. Our analysis suggests that the number of bilingual service positions in Quebec is too high (80% of positions in regions with large minority communities and 50% of positions in regions with small minority communities), particularly in offices located in regions of Quebec with small minority communities. Quebec has the highest proportion (over 91%) of incumbents meeting the linguistic profile of their positions. There is an average of 40 bilingual employees per office in Montreal. This represents a strong potential to serve the minority language population well in its own language. The number of bilingual employees per office for the other regions of Quebec with large minority communities is eight. This bilingual capability in areas (nine counties in eastern Quebec and three counties in western Quebec) where the minority language population is concentrated provides a significant base for the provision of services in both official languages. Another indicator that supports our findings is the low number of complaints (112 complaints from the significantly large minority language population of 749,450) lodged by the Quebec minority language population and that most of them concerned subjects that could be resolved easily. Our audits confirm that the provision of bilingual services is generally good in Montreal and other areas of Quebec with large minority communities. Even in the offices located in the regions inhabited by small minority populations we find 19 bilingual employees per office. The federal offices visited in Quebec had the best record in the country. Seventeen of the 23 assessed were able to provide services in both official languages at all times; 12 are in the Montreal area.

New Brunswick has 52% of its service positions designated bilingual and an average of 11 incumbents per office who meet the linguistic profile of their positions. This means each office has a good bilingual base. Nevertheless, the number of complaints (140, of which 66 were from Moncton) received from significant demand offices in New Brunswick in 1990 and the size of the minority language population (234,720, or 33.4%), along with a large proportion (11.9%) of employees not meeting the language requirements of their positions, show that certain offices need to improve their delivery of bilingual services. Of the 17 federal offices sampled, including Crown corporations, only seven (41.2%) had the bilingual capacity to serve clients in both languages. Nova Scotia has 15% of its service positions designated bilingual and the largest proportion (23.9%) of unilingual incumbents in bilingual positions; the average number of qualified

bilingual persons in positions dealing with the public, five, is low. The size of the minority language population involved (32,955, or 3.8%) and the number of service complaints (290) received in 1990 clearly indicate that services in both languages are far from adequate. While 16.5% (excluding Veterans Affairs) of Prince Edward Island's and only 2% of Newfoundland's service positions are designated bilingual, approximately 15% of those positions are without qualified incumbents. With an average of one to three employees per office meeting the language requirements of their positions, it is obvious that the minority language population is not being served efficiently. Of the 14 offices sampled in Nova Scotia, Prince Edward Island and Newfoundland, only the offices of parks and historical sites were generally capable of providing bilingual services adequately. Our audits and special studies conducted in 1990 also indicated that, even though the delivery of services in both official languages was better in New Brunswick, improvements are required in all four provinces.

In Ontario many offices provide their services in accordance with the Act but improvements are essential. In regions with large minority communities 37% of service positions are bilingual and 12.6% of designated positions lack linguistically qualified incumbents. In offices in Toronto and in the regions with small minority populations only 8% of the positions are designated bilingual; of those 21.5% and 16.5% respectively are occupied by individuals who do not meet the language requirements of their positions. Even though the significant demand offices in bilingual regions (including Toronto) have an average of eight bilingual employees, the size of the minority language population it serves (244,825, or 8.7%), coupled with a large number of service complaints (362, of which 150 were from Toronto) coming from those regions in 1990, indicates that the number of bilingual employees and the quality of service in both official languages need to be increased. Our audits and special studies showed that bilingual services were generally available in regions with large minority communities, but a greater effort is required in order to improve the situation. In terms of offices assessed or visited, only four of the 12 sampled in northern and eastern Ontario were able to serve clients adequately in both official languages. The situation was similar in Toronto where three (30%) of the offices visited provided acceptable bilingual services.

In western Canada the proportion of service to the public positions designated bilingual (6.8%) is limited; 13.3% to 18.7% of these positions have unilingual incumbents. Winnipeg, a region with significant demand offices, has 15% of its service to the public positions designated bilingual and an average of five bilingual employees per office. This seems low, particularly since 169 complaints involved Winnipeg in 1990, many of which recur year after year. The average number of bilingual employees per office varies between two and four in the other regions of western Canada; between 4% to 8% of their service to the public positions are bilingual. This Office received about 400 complaints from those regions in 1990. Of the nine significant demand offices sampled in Winnipeg,

only three were able to provide continuous services in both languages. In the other three western provinces the National Parks offices, with a few exceptions, had the capacity to provide bilingual services. Our audits and special studies indicated that services in both languages provided by several offices located in the West leave much to be desired, particularly outside the Winnipeg area.

Active offer of service to the travelling public

In 1990 we conducted a study on active offer which focused mainly on how federal institutions providing services to the travelling public were complying with Sections 23 and 28 of the Act. We looked at services provided to the travelling public by regulatory agencies, common carriers and tourist facilities such as national parks. The study does not permit across-the-board comparisons between regions but we did note that service in the minority language was much more readily available in Quebec (94% of the time) than in any other region and that federal employees in Quebec are more than twice as likely (33% of the time) to use bilingual greetings when serving the public in person than anywhere else.

Our overall findings showed that the use of bilingual greetings in person was low in every region of the country (12.6% of the time), while bilingual telephone greetings reached 69% in our study; nonetheless, improvements are still needed. Service was available more often than it was offered. With clients often insisting, services in the minority language were provided in 65% of the cases when in-person communications were involved and in 87% of the cases when provided by telephone. A major problem identified was the low provision of bilingual services by parties under contract with government institutions. Bilingual services were only available 45% of the time, which indicates that the language clauses have no teeth and are not properly applied and monitored.

Some institutions performed better than others. Only the Canadian Parks Service operations in eastern and western Canada were monitored; they provided service in the minority official language in 80% of the cases. As for bilingual greetings, VIA Rail staff from New Brunswick and central Canada had the highest level (35%) of compliance.

Service in the minority language at airports was generally poor, with the exception of Mirabel and Dorval Airports in Montreal. Most of the inadequacies were due to meager service provided by third parties operating under contract with Transport Canada. At the Ottawa International Airport essential services affecting the health and safety of travellers, such as airport security, first aid and pre-boarding security screenings, were not available in French on most of our visits and were never actively offered.

Of the common carriers studied, Air Canada provided the highest level (75%) of service in the minority official language, although none of its employees used a bilingual greeting in their dealings with our representatives.

Conclusion

We have seen encouraging signs in 1990 that suggest improvements in bilingual services to the public and a number of interesting initiatives by some institutions. The single most important event of the year was the tabling of the draft regulations. Nevertheless, there is still a lot of work to be done, as demonstrated by the more than 2,000 complaints on the subject received by this Office. The draft regulations should, once approved and implemented, have a positive effect on the availability and quality of services in both official languages, provided they are well and clearly communicated to employees of federal institutions and to the public. These should guarantee both Anglophone and Francophone minorities equality of treatment whatever institution they communicate with, in every region. Now that the service to the public objective has finally taken off, we hope that it will reach cruising speed in 1991.

3. Equitable Participation: Yes, but...

Despite the vigour with which government is preparing the Public Service for the 21st century through Public Service 2000 — an initiative which will include the active pursuit of employment equity — federal institutions generally appear to have fallen into a state of lethargy in their approach to the participation of the two official language groups. On the whole, government has been successful in bringing about a certain overall equilibrium in federal institutions in recent years. However, the time is long overdue for them to address the persistent imbalances which we report on year after year. And it is incumbent upon the central agencies to provide without further delay the much-needed guidance to departments and agencies on achieving objectives set out in Part VI of the Official Languages Act for a federal workforce that will tend to better reflect the presence of both official language communities in Canada and for equal access to employment and promotional opportunities for Anglophones and Francophones, according to merit.

In 1990 a generally equitable balance has been maintained, but it still bears close monitoring: as shown in Table II.1, employees identified as Anglophone make up 70.9% of the total federal complement, those identified as Francophone, 26.7%, and those identified as not belonging to either official language group, but located in predominantly Anglophone areas, 2.3%.

These percentages are approximately the same as for the Canadian population as a whole (74.2% Anglophone and 25.8% Francophone).* The slight variance from their proportion in the general population falls within the acceptable range in view of the location of head offices of many institutions in the National Capital Region (NCR), which has a population breakdown of roughly two-thirds Anglophones and one-third Francophones and is a major source of recruitment. Another factor is the disproportionately large percentage of support level

* Census Canada 1986, Statistics Canada (estimate of population by first official language spoken — mother tongue). All other figures on the population of Canada in this chapter are from the same source.

positions in the NCR occupied by Francophones, thus raising this group's numbers in federal institutions as a whole.

Table II.1
Participation in federal institutions

	Anglophones	%	Francophones	%	Not stated	%	Totals
Departments[1]	152,233	71.7	60,098	28.3			212,331
Crown corporations[2]	100,407	68.2	35,948	24.4	10,848	7.4	147,203
Parliament[3]	878	36.8	1,510	63.2			2,388
Armed Forces[4]	62,163	72.8	23,228	27.2			85,391
RCMP[5]	12,534	81.7	2,798	18.2	2	.01	15,334
TOTAL	328,215	70.9	123,582	26.7	10,850	2.3	462,647

1 Official Languages Information System, September 1990.
2 Annual reports on official languages, Treasury Board, December 1989. Employees not identified as either Anglophones or Francophones are mainly located in English-speaking regions of the country. Figures exclude Air Canada.
3 Figures provided by the institutions, November 1990. They include staff of the Senate, House of Commons and Library of Parliament.
4 Figures provided by the institution, November 1990. Military personnel only (public servants are included in departmental staff).
5 Figures provided by the institution, November 1990. Members only (public servants are included in departmental staff).

However, the overall balance which has been achieved serves to obscure the various longstanding hierarchical and regional imbalances, none of which must be considered as compensating for the others. For instance, the continuing low participation of Francophones in the Management category (the major decision-making body in the Public Service) and in four of the six employment categories is not "cancelled out" by their excessive presence in the two support categories. The other side of the coin — whereby the preponderence of Anglophones at management and officer levels should not be viewed as offsetting their relatively thin numbers among support staff — also presents itself repeatedly in our annual evaluations of individual institutions. Unfortunately, we have yet to see any evidence that the government has put together an effective strategy to correct these sectoral imbalances.

The absence of significant progress in dealing with these weaknesses is particularly disappointing when compared to the success story in New Brunswick, where the participation of Francophone public servants, at 30.9% in 1990, edges ever closer to their 33.4% share in the population. This represents an 8.6% increase for this language group in the past eight years, and sets an example of the gains that can be achieved, given sufficient effort.

The remainder of this chapter will be devoted to a discussion of various imbalances in certain regions and employment categories as well as in central agencies.

Sectoral imbalances

Table II.2 provides figures on the distribution of the two linguistic groups in several problem regions. There are no surprises here — in Northern and Eastern Ontario we see the same deficiencies in Francophone participation as have been reported in recent years. The chronically low level of Anglophone public servants at support levels in Quebec and the NCR is even more troublesome.

Table II.2

Region	Departmental employees Anglophones	%	Francophones	%	Minority population (%)
Quebec*	1,647	5.6	27,965	94.4	13.3 Anglophone
Northern and Eastern Ontario*	2,558	77.4	745	22.6	29.3 Francophone
NCR	42,761	62.1	26,070	37.9	35.7 Francophone

* Figures exclude the National Capital Region.
Source: Official Languages Information System, September 1990. Employees in Crown corporations are excluded.

Turning to participation in specific employment categories, Table II.3 clearly shows the low percentages of Francophones in the Management and Scientific and Professional categories (22.1% and 22.8%) in federal departments. On the other hand, there are too few Anglophones in Administrative Support positions (65.9%).

Table II.3

Employment category	Departmental Employees Anglophones	%	Francophones	%
Management	3,207	77.9	912	22.1
Scientific and Professional	17,668	77.2	5,222	22.8
Administrative Support	41,773	65.9	21,572	34.1

Source: Official Languages Information System, September 1990. Employees in Crown corporations are excluded.

Francophones in the Management category

Federal institutions seem oblivious to the problem of participation in the Management category. The two language groups are not equitably represented in this category and very little progress was made in this respect in the 1980s. In 10 years Francophone participation has increased by only 1.5%, reaching 22.1% in 1990. The Management category is a key group in the Public Service. It is the members of this group who take decisions, develop policies and supervise work. Because of the shortage of Francophones in management, their culture, as

reflected in their way of thinking and work methods, is not adequately mirrored in the policies of the federal administration. In addition, French does not enjoy equal status with English in federal institutions, except in Quebec.

A look at feeder groups for the Management category does not suggest good prospects in the short term for significant improvements in Francophone participation. In the first-level feeder group (SM-1), Francophones constitute only 21.4% of staff. In the second-level group (SM-2), however, they constitute 26.1%. It would be appropriate to hire more personnel from outside the Public Service in order to significantly improve the situation in the years to come.

Anglophones in the National Capital Region

A study we commissioned in 1990 has shed additional light on the longstanding problem of the unacceptably low proportion of Anglophones in the Operational and Administrative Support categories in the NCR. We regret to say that the findings of this study point to the inadequacy of efforts made thus far by departments and central agencies to correct the imbalances.

The most recent figures show that only 52.3% of Administrative Support positions and 52.4% of Operational positions in the NCR are occupied by Anglophones. These percentages, which vary only to a small degree from those we have reported over the past few years, represent a significant departure from the proportion of Anglophones in the total population of the region, which is approximately 64.3%.

A number of observations discussed in the study report confirmed what we had already perceived as systemic barriers to hiring Anglophones and brought to light other factors that also play a role in perpetuating the status quo. Among the issues which the report suggests need addressing are:

- the lack of central agency co-ordination of statistics, participation objectives and planning;
- obstacles such as mandatory imperative staffing for determinate (fixed and generally short term) positions and the use of "name referrals" for hiring in the Operational category; and
- the lack of familiarity of Public Service managers and staffing officers with participation objectives and their relative roles in effecting change through the hiring process.

Obviously, further attention must be given to removing obstacles in the staffing infrastructure and taking a more active approach to raising the awareness of qualified Anglophones of job opportunities. Another key to progress would be an increase in the number of Anglophone candidates who have a proven ability in both official languages. We can only express our disappointment at the lack-

lustre initial response to this report by the central agencies; they have yet to demonstrate their willingness to take the lead in tackling this problem. Once this long overdue exercise is conducted the relatively high rate of turnover in support groups (the report quotes a separation rate of 12% in the Administrative Support category in 1988) could lead to improvement.

Anglophones in Quebec

Year after year in this chapter we pay particularly close attention to the persistently deficient participation of Anglophones in federal departments in Quebec. Unfortunately, this continued scrutiny has revealed that, even with the best of intentions, the major players have yet to turn the situation around. At the risk of sounding like a broken record, we are once again forced to report no improvement: at 5.6% of the total federal complement in Quebec (a level that has remained unchanged over the past five years) the percentage of Anglophones still hovers far below their 13.3% presence in the general population of that province. Their presence in management and officer groups is somewhat better (8%).

This complex question has been under extensive review by the central agencies over the past decade. In the early 1980s we grew increasingly more alarmed at what was, at the time, an accelerating drop in the level of participation of this language group. Our concerns were such that, in January 1987, we submitted a special report to the Governor in Council. The report concluded that measures taken in the first part of the decade by the central agencies had failed to reverse the trend, thus necessitating more energetic action.

As a consequence, a number of initiatives were introduced, among them the creation of an ad hoc committee to examine specific corrective measures to be taken by target departments. Upon submission to the Treasury Board of its recommendations for action, the committee was dissolved and a new regional forum was established to follow up on the recommendations. At another level, the "Concertaction" committee, established several years ago to work on improving Anglophone participation in the Eastern Townships, has shown renewed vigour in developing action plans with various departments located in that area.

In 1990 we conducted an audit of the Quebec region of Employment and Immigration Canada, the institution responsible for recruitment to support positions in departments. The audit revealed that not only does that department have difficulty in increasing Anglophones on its own staff in Quebec (currently only 3%), but it has done little to identify obstacles to improving their access to positions in the other departments it serves. Clearly, until a concerted effort is made to eliminate such barriers, we can expect only marginal progress to be made.

On all fronts, it is obvious that the steps taken thus far to overcome this problem have been woefully inadequate.

Participation in the central agencies

The central agencies are regarded by the Public Service as setting the example and have an incremental impact on the use of the two official languages in federal institutions. They must therefore ensure that their own workforce reflects equitable participation by the two language communities. But for some years now they have displayed an imbalanced participation of Anglophones and Francophones, especially in the Management category. Table II.4 shows the participation levels in four central agencies.

Table II.4

Employment category		Treasury Board Secretariat		Public Service Commission		Department of Finance		Office of the Comptroller General	
		A	F	A	F	A	F	A	F
Management		125	28	36	26	72	9	41	9
	%	81.7	18.3	58.1	41.9	88.9	11.1	82	18
Administrative Support		39	79	204	408	120	146	7	12
	%	33.1	66.9	33.3	66.7	45.1	54.9	36.8	63.2
Staff Total		**398**	**233**	**776**	**1,242**	**564**	**300**	**97**	**43**
	%	**63.1**	**36.9**	**38.5**	**61.5**	**65.3**	**34.7**	**69.3**	**30.7**

Source: Official Languages Information System, September 1990, except for data on the Management category of the Department of Finance, taken from its computerized Personnel Information System.

Rates of participation of two-thirds Anglophones and one-third Francophones in central agencies in the National Capital Region appear acceptable, considering the mandate of these agencies, the public they serve and the location of their offices. Thus, overall participation in the Office of the Comptroller General, with 69.3% Anglophones and 30.7% Francophones, appears balanced. In the Treasury Board Secretariat the overall rate of participation, with 63.1% Anglophones and 36.9% Francophones, also appears equitable, but a closer analysis of the situation shows that Francophones are concentrated in the Official Languages Branch (47 of 61). The same state of affairs exists in the Department of Finance, where the high percentage (34.7%) of Francophones is attributable to the very large number (160 of 309) in the Administration Branch. In the Public Service Commission, even excluding the staff of the Language Training Program, which consists mainly of French-language teachers, Anglophone participation is too low (46.7%).

Imbalances exist in various employment categories but the Administrative Support category stands out for its marked inequalities. For example, in the Treasury Board Secretariat and the Public Service Commission Anglophones constitute only one-third of this category, while in the Office of the Comptroller General

they represent 36.8% and in the Department of Finance, 45.1%. These are abnormally low figures. In a number of organizations Francophones are under-represented in the Management category, notably in the Department of Finance, where they account for only 11.1%, and in the Treasury Board Secretariat and the Office of the Comptroller General, where they represent only 18%. This is clearly insufficient.

We have taken up the issue of imbalances in participation in the central agencies with the Public Service Commission and the Treasury Board Secretariat and have suggested that they hold a series of consultations in an effort to solve the problem. Our Office would be prepared to participate in such a project since we are familiar with problems of participation similar to those found in the central agencies. In this regard, Appendix A shows the still modest progress that we have made. We are therefore not inclined to minimize the difficulties.

Conclusion: What needs to be done?

Does the composition of the workforce of federal institutions tend to reflect the presence of both official language communities of Canada? In "macro" terms, yes. But a closer look shows that, year after year, the same sectoral imbalances persist. Granted, no one expects miracles overnight, especially in a period of resource restraint. But the time is long overdue for the central agencies to take the lead, both in terms of cleaning up their own back yard as well as in providing the necessary direction to other agencies and departments.

In this vein, now that the Governor in Council has finally tabled draft regulations for the Official Languages Act on communications and services, we would urge the government to direct its attention towards clarifying its expectations for achieving equitable participation, while fully respecting the merit principle, in all institutions through the promulgation of regulations pursuant to Part VI of the Act. Moreover, the undeniable need exists for the government to deal with the problems we highlight year after year and address more convincingly specific institutional imbalances. This requires means that go far beyond either the current letters of understanding between the Treasury Board and the institutions or the present range of committees which have been struck to review aspects of the problem.

It may be argued that the objective of equitable participation could be more easily achieved in a period of expansion. However, we are convinced that the turnover of employees in federal institutions remains sufficiently high to allow slow but steady progress. What is called for are large-scale sectoral strategies that will focus more precisely on eliminating the root causes of these persistent imbalances. We see this approach as a precondition to meeting the participation challenge by the end of this decade.

4. Languages of Work: Needs Work

In 1990 the language of work picture in federal institutions was, generally speaking, the same still life as in recent years: French does not enjoy equality of status at central and head offices in Ottawa-Hull and the situation leaves even more to be desired in the scientific agencies. Once again this year one in four supervisors in the bilingual regions is not adequately bilingual; there are numerous weaknesses in communications between central and head offices and offices in Quebec (and where French is used it is often mediocre); and, despite the Treasury Board Secretariat's efforts, many institutions will likely be unable to meet the January 1, 1991, objective set in the Act for the acquisition and production of regularly and widely used automated systems that can be used in either official language. As for English, it is apparently being used less and less in federal departments in Quebec.

We should, however, emphasize some initiatives taken by the Treasury Board Secretariat to foster a greater use of both official languages in meetings. Our investigations show that federal employees working in bilingual regions are, on the whole, quite unaware of their linguistic rights and that it is therefore difficult for them to exercise them. It is more than two years since the new Act was passed. The situation is distressing, and it is hard to understand why government attaches so little importance to compliance that it does not consider it useful or urgent to clarify linguistic rights and obligations by tabling the draft regulations provided for under the Act.

In this chapter we shall briefly describe the action taken in response to our recommendations last year, particularly those of the master plan presented in the Annual Report 1988, present the conclusions of a survey completed this year in Quebec, provide an overview on the manner in which French is used in the scientific and technical fields and indicate weaknesses in employee supervision in both official languages.

Follow-up to our 1988 recommendations

We made our last recommendations regarding language of work in 1988, when we proposed that government establish a master plan to ensure implementation of the new Act.

In the 1989 Annual Report, however, we were forced to conclude that progress towards the language of work objective in federal institutions had stagnated both as a result of the vagueness of current policies and because many senior managers attached no priority to meeting the objective. We also indicated that the rules of the game had to be clarified by Governor in Council regulations. Unfortunately, we must again report that our words fell on deaf ears; not only were regulations not developed but policies and directives were not revised and there is no indication that such measures will be taken in the near future. Another recommendation regarding the Treasury Board Secretariat concerned the under-use of French in the scientific field. On this point as well, the committee which Treasury Board established more than three years ago at our request failed to pursue its work in 1990 to promote wider use of French as a language of science in government. It also has yet to publish its report. Once again, we demand that this report be produced.

There is always at least one ray of light on even the darkest canvas. The recommendation on bilingual courses provided for members of the Management category by the Canadian Centre for Management Development continued to have some impact and real progress has been made. Assistant deputy ministers were able to take bilingual courses and nearly 30% of courses provided to other management groups have been either in French or in bilingual format, a 5% increase over 1989.

Our final recommendation also brought action this year. Treasury Board prepared a brochure and video which were distributed to those chairing meetings to encourage them to use both official languages equally in work sessions. At year's end the Board also published a brochure for participants in meetings in bilingual regions explaining how to respect individual language rights. The largest task is still ahead: distributing this information to all managers and employees in bilingual regions and guaranteeing necessary control and follow-up.

Language of work survey in Quebec

In November 1990 this Office conducted a survey on language of work in Quebec. Three objectives were set for this qualitative study: to determine those factors that have the greatest influence on the use of both official languages in the workplace in designated offices in Quebec; to examine communications between employees in that region and head or central offices; and to give an overview of language of work developments in federal departments in Quebec since adoption of the 1969 Official Languages Act.

Data were gathered from interviews with 330 employees at various line levels in both language groups (22 groups comprising 250 Francophones and eight groups totalling 80 Anglophones) working in the 11 most highly represented federal departments in Quebec, particularly in the Montreal area but also in the Quebec

City and Lacolle regions. The conclusions were ratified by the regional directors whose units took part in the study. Subjects addressed included written and oral communications, work instruments, software, electronic mail, translation services, professional and language training, supervision and staff relations. We also addressed the topic of employees' and managers' language of work rights and obligations.

The broad consensus flowing from these data indicated that English was the predominant written language in departments in 1970, so much so in fact that Francophones often had to communicate among themselves in English, even in Quebec. Both languages were used for day-to-day oral communications between employees of that region but French often gave way to English in technical and scientific fields. Many work instruments were not available in French at that time and virtually all written and oral communications with head or central offices in Ottawa were conducted in English only.

Participants were unanimous in saying that enormous progress had been made in the use of French since 1970 and claimed that the federal government had contributed greatly, as it should have, to the francization effort in the workplace, particularly in Quebec. It seems that this progress was most apparent from 1970 to 1985, during which time French gradually took its rightful place as a language of work in Quebec, while English is now much less used and today no longer occupies the place appropriate to its constitutional and legislative status. This state of affairs can be attributed mainly to the slim presence of English-speaking employees (5.6%) in federal departments in Quebec. The late 1980s were characterized by slower progress towards equality of both official languages, since Francophones still found it hard to communicate in French with head and central offices in the National Capital Region (NCR) and Anglophones had little opportunity to use English at work in federal offices in Quebec. Budget cuts, less accessible language training and the poor quality of French in written and oral communications originating at headquarters are only some of the symptoms of the carelessness that plagues equality of status of the two languages in federal offices in Quebec.

As noted above, what is striking in this study is the broad consensus, among both Anglophones and Francophones, that grew out of the many meetings. Our major findings are:

- Concerning oral communications, it seems to us clear and only natural that French is now the common language of communications in Quebec offices, so much so that many Anglophones say they prefer to use French in communicating with their co-workers. This relative absence of English in oral communications may be attributed in large part to two major factors: low Anglophone presence in these offices and Anglophones' excellent mastery of French. Written communications originating in the Quebec region are in

bilingual format if they are to be used as long-term work instruments or are intended for large employee groups. Other types of written communications originating in the region and intended for only a few employees are in French only or in both official languages. These practices were apparently not a problem for study participants, even though the equality of status of both languages did not appear to be respected in all cases.

- Written communications from head and central offices in Ottawa-Hull to employees in regional offices are either unilingual English or in bilingual format, but French-language translations are often of poor quality. This state of affairs suggests that the English version is considered the original headquarters version and authoritative where the translation is unclear.

- Oral communications between the employees of Quebec offices and those of headquarters in Ottawa-Hull are far below the requirements of the Act. Francophones say that too often their peers and NCR resource persons lack adequate mastery of French. They are often required to deal with someone who speaks French but who does not have the technical skills to answer their requests. In most instances this kind of remark refers to program managers, computer consultants and some senior managers. It should be pointed out, however, that central, administrative and personnel services staff, among other groups, perform their tasks well.

- A number of employees also expressed their discontent with professional training. Where offered by headquarters in Ottawa it does not respond adequately to the needs of federal employees in Quebec. Numerous examples were cited by Francophones who had been forced to accept training in English at headquarters, while a number of Anglophones said they had to take their courses outside Quebec in order to obtain professional training in English. In addition, we were often told that when Quebec region Francophones had to travel to Ottawa for business meetings they often had to leave their French in the cloakroom with their coats.

French as a scientific and technical language

Computers have become an omnipresent work instrument for employees of federal institutions. Parliament understood the extent of this phenomenon and addressed it in Section 36(1)(b) of the 1988 Official Languages Act, which provides that federal institutions in the NCR and other designated regions must "ensure that regularly and widely used automated systems for the processing and communication of data acquired or produced by the institution on or after January 1, 1991, can be used in either official language".

In response to this objective government from the outset took the specific measures we described in our 1989 Annual Report. In 1990 Treasury Board restated

its commitment in this area by holding two conferences, attended by some 300 representatives of various institutions, and issuing an information technology management policy. Only a few months before the January 1, 1991, deadline it seemed clear that, due to lack of adequate planning, some federal institutions, particularly Crown corporations, would be unable to meet the target date set in the Act for the acquisition and production of automated systems that can be used in either language.

The Commissioner's address to the 55th Conference of the Association canadienne-française pour l'avancement des sciences in May 1987 and our subsequent recommendations are still of interest. Yet it seems to us that no one is making anything like the vigorous effort required to create a work environment conducive to the creative use of French by scientists. We therefore lament the fact that the Treasury Board science and language committee did not sit this year. However, as a follow-up to previous meetings, committee officials began preparing a report, though its publication date has not been set. It is nevertheless clearly necessary that guidelines for the promotion of French in science need to be developed. If Laval University in Quebec City has thought it wise to adopt such a program it is all the more urgent that all federal institutions take similar measures. The intent here is obviously not to harm research scientists wishing to make a name for themselves on the international scene, particularly in high technology areas, and who wish to use English to do so, but it is appropriate that every organization provide its Francophone scientists with the resources they need to work and to publish a sizeable number of papers in their own language. Government, too, will have to make efforts to recruit employees from the country's Francophone graduates in order to ensure sufficient active presence to help implement such a program. Establishment of the Canadian Space Agency not far from Montreal should be a considerable help in achieving this objective. In addition, Treasury Board has conducted a study of Anglophone and Francophone participation in the Scientific and Professional category and intends to publish a report shortly.

Weaknesses in bilingual supervision

As we have indicated for many years now, the basic and most serious problems are associated with the dynamic aspect of communications between managers and employees in the workplace. Spoken and written language obviously remains a primary factor in communications. Unfortunately, a large number of supervisors in bilingual regions (3,550 of 13,858, or 25.6%) who are responsible for employees in both language groups are still unable to carry out this function in both languages. As well, there are many others who, having passed a language test and qualified for the bilingualism bonus, make no effort to give their employees freedom of choice in language of work. Oral communications, meetings and supervision of Francophone employees are still all too often in English only despite a major investment in language training. It is up to supervisors to

take the lead and to communicate with their employees in the latter's first official language. This lack of respect for employees' language rights runs counter to the objectives of the Public Service 2000 plan and is partly the result of managers' and employees' lack of information about their linguistic obligations and rights. The policies are in place and the provisions of the Act are perfectly clear. What we need now is good will on the part of senior management and supervisors in implementing them. After all, the Act recognizes employees' rights, not those of managers, who are required to honour those rights.

Conclusion

Although, in the past 20 years, French has gradually come to occupy its rightful place in federal departments in Quebec, 1990 unfortunately saw no tangible progress towards the equality of status of our official languages in the workplace in the other designated regions. Furthermore, the conclusions of the study we conducted two years ago on language of work in New Brunswick were confirmed in the federal departments in Quebec this year. Except in Quebec, French always appears to be the poor cousin in offices in the National Capital Region, the communications nerve centre, and in the other bilingual regions, and English does not occupy its rightful place in federal offices in Quebec.

The language of work study conducted this year in Quebec covered only part of the subject but nevertheless revealed that the Act has played a decisive role in the past 20 years by narrowing the gap that existed between the use of English and French. Momentum has been so great that French has become the standard language of communications. This is grounds for celebration indeed. However, it has also diminished the use of English and that trend is somewhat less felicitous. Central and head offices in the National Capital Region should focus their attention on a number of problems in their relations with their Quebec offices. For Quebec employees, head offices do not have adequate bilingual resources and programs are designed and implemented in a way that does not take into account their linguistic needs.

It seems clear that the language of work provisions of the 1988 Act will remain a dead letter unless the Governor in Council adopts regulations clarifying the rights of federal employees. That is why we urgently asked for such regulations in 1989 as an essential factor in any potential progress. Based on the findings of our Quebec study and our 1990 investigations as a whole, we repeat our request that government issue regulations on the use of both languages in the workplace in federal offices in designated regions and that it more clearly specify language use in communications, for language of work purposes, between department headquarters and offices in designated bilingual regions.

PART III

Evaluations
Fifty Institutions

Evaluations
Fifty Institutions

Better Compliance

The 50 departments, agencies and Crown corporations we analysed this year were chosen from among the approximately 160 federal institutions subject to the 1988 Official Languages Act. The staff of these institutions varies from approximately 100 to several tens of thousands of employees but in all there are nearly 400,000 employees — 90% of the staff of all federal institutions. All of them play an important role in the lives of Canadians and all differ in their mandates, the public they serve and the geographic locations of their offices.

These 50 institutions were selected on the basis of various criteria. Eleven were the subject of a language audit or follow-up by this Office in 1990. These institutions are marked with an asterisk. Others (32) were chosen because of their size or visibility. Some (22) were selected because of the large number of complaints received against them and yet others (10) because they had not been evaluated for several years. Two institutions appeared before the Standing Joint Committee on Official Languages in 1990. Twenty-three were chosen on the basis of a combination of these criteria.

We evaluate the linguistic performance of each institution on the three fundamental elements of the Act: service to the public, language of work and equitable participation of the two official language groups. We have made observations about the administration of the official languages program within the institution when an important fact in this area was deemed worthy of mention, such as the signing of a letter of understanding on official languages between the institution and the Treasury Board. In every case, we mention substantiated complaints and make a judgement about the degree of co-operation we received from the institution in handling these complaints. In 1990 the evaluations were once again the subject of thorough discussion with the institutions in question and reflect, insofar as possible, the comments they made.

Each evaluation begins with an overall assessment of the results achieved by the institution in implementing the official languages program. This is a good yard-

stick for measuring an agency's vitality in implementing the Act since its promulgation in 1988. An analysis of the ratings assigned to institutions shows that in 40% of cases the new Act has had a positive impact on the implementation of the program, while in 1989 it had had such an impact on only 10 institutions, 20% of the evaluations. This is an encouraging finding; it shows that language reform is making slow but sure progress, no doubt because of the improvement in services provided to the public in both languages. Nevertheless, we must guard against undue optimism, for it is also true that in 30 of the 50 institutions evaluated, the Act has not yet had the anticipated impact — this more than two and a half years after its proclamation.

Agriculture

The Department of Agriculture succeeded by and large in 1990 in fulfilling its linguistic responsibilities in the area of service to the public. However, French still does not occupy its proper place as a language of work and imbalances persist in equitable participation. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

Regarding service to the public, the Department has designated its offices with significant demand, identifies itself bilingually at its offices and generally provides telephone reception in both languages. It had to take special measures to ensure bilingual telephone reception at its Winnipeg office in response to a weakness there. It has also taken steps to inform the public of the availability of services in both languages at offices serving large minority populations. Finally, it is to be congratulated for its service to the public at the Experimental Farm in the National Capital Region, particularly for special events such as the Chrysanthemum Show and guided tours.

Few changes have occurred on the language of work front and French still does not occupy its proper place in this regard. The senior management committee generally works in both official languages but French is barely used in internal work meetings. The fact that just 77% of supervisors meet the language requirements of their positions does not encourage the use of French on an everyday basis. However, internal services are provided in both languages. Finally, a study undertaken by the Department showed that computerized systems still cannot accommodate the use of French in some sectors.

Considering the Department's mandate, the location of its offices, and its clientele, Francophone participation remained low this year at 22%. The Department should be congratulated for raising Francophone participation in the Management category from 17% to 20% and Anglophone participation in Quebec has remained relatively unchanged since last year (3.5%). In New Brunswick Fran-

cophone participation has increased from 20% to 23%. We encourage the Department to pursue its efforts to ensure equitable participation of both language groups.

There were nine founded complaints against the Department in 1990 as compared to 15 in 1989. Seven concerned service to the public, another related to language of work and one concerned the management of the program. The Department co-operates fully in processing these files.

Air Canada*

Air Canada's linguistic performance has not improved substantially since its privatization in 1988. The Corporation still has difficulty serving its customers readily in both official languages outside Quebec and no advances have been made in its language of work situation over the past few years. Every inch of progress we have been able to achieve in these areas is at the cost of many hours of discussion and negotiation with Air Canada officials. Nevertheless, we are hopeful that Air Canada will follow through on a number of improvements promised for 1991. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

In 1990, as in every year over the last decade, we received a large volume of complaints concerning Air Canada's failure to provide adequate ground service in French at airports, particularly in Winnipeg, Toronto, Edmonton and Moncton. Finally, by year's end, management in Winnipeg had taken steps to ensure bilingual boarding announcements. Most complaints about other airports could be eliminated through improved signage and the presence of bilingual agents on each work shift. This is especially important in Toronto, where the Rapidair service to Montreal and Ottawa requires bilingual counter agents at all times. Fundamental to the resolution of these longstanding difficulties is a serious commitment by the Corporation's management to clearly identify which airport counters can offer bilingual service and to insist that an active offer of service be made to the public at these points.

On a more positive note, some local improvements in service to the public have been made. For instance, management at the Ottawa and Vancouver airports should be commended for their installation of new active offer signs indicating where service is available in both official languages. In Vancouver improvements were also made to the public address system, which should facilitate consistently bilingual boarding announcements. The successful introduction at the Ottawa airport of bilingual requirements for specified positions could serve as an example for other airports.

The linguistic capacity of Air Canada's flight attendants, approximately two-thirds of whom are bilingual, was given a further boost this year: 95% of newly

hired attendants have a knowledge of both official languages. We await Air Canada's response to our suggestions that bilingual attendants wear a pin to identify them to passengers (as has been done successfully by other federal institutions serving the travelling public) and that the availability of service in either official language be mentioned in standard announcements on board flights. In 1990 the Corporation took the commendable step of reviewing in-flight musical programming to ensure that at least one channel would be devoted entirely to French-language music.

In September 1990, after having exhausted all attempts at resolution, the Commissioner submitted to the Federal Court 11 complaints concerning Air Canada's lack of advertising in the French-language press in the Winnipeg and Moncton areas. In our view, the Corporation has failed to comply with the minimum requirements of Section 30 of the Act in its publicity campaigns.

The Corporation still refuses to acknowledge the need for bilingual telephone reception at its regional and district office in Toronto, although the number is included in the French listings. On the other hand, Anglophones calling the reservations number in Ottawa (which is answered in Montreal) are rarely greeted in their preferred language. Air Canada does not consider that its customer sales and service agents are legally obliged to use a bilingual greeting, despite the provisions of Section 28 of the Act. We decided to check out the quality of services offered by their major commercial competitor in the National Capital Region and, by contrast, were pleasantly surprised to be greeted each and every time with a very brief but effectively bilingual greeting.

French does not enjoy its rightful place as a language of work within the Corporation. Air Canada is only now reassessing its language of work policy to bring it in line with the Act. French is virtually unused at senior management meetings, as it is not understood by all key attendees. However, all local administrative management and staff in Flight Operations in Montreal are now bilingual as a result of a major reorganization. The report on the DC-9 job card translation experiment was completed in September 1990; we understand it will be submitted to senior management for a final decision as to permanent implementation before year's end.

Although some reference materials are available in English and French and several instructors are bilingual, the Corporation has been reluctant to offer more pilot training in French in its Flight Operations; neither Annual Recurrent Training nor Introductory Training for Captains are offered in that language. However, one year after three complaints had been lodged concerning the English-only Crew Resource Management course, Air Canada has completed the translation of this course material. We trust that the continued importance of providing employee training in both official languages will be given due consideration by the Corporation at its new training centre in Dorval. We commend Air Canada

for two initiatives undertaken in its language training program: on-site French courses in Winnipeg and a pilot project in Vancouver.

Following announced layoffs of 2,900, most of which take effect by January 31, 1991, Air Canada's employee complement will be reduced to about 20,100. The impact of this reduction on the equitable participation of both linguistic groups cannot be determined since Air Canada has not been able to provide us with participation figures on its employees.

We received 255 founded complaints against Air Canada in 1990 (234 in 1989), 140 of which concerned its failure to advertise in the minority French-language press. One involved English-only notices and memorandums distributed to employees at headquarters in Montreal. Of the rest, 63% related to problems providing ground services in French, 19% dealt with in-flight services and 18% with telephone communications and other service aspects. Several of these complaints demonstrate that Air Canada's official languages program administration suffers from a lack of control mechanisms and monitoring by management. Moreover, the Corporation has shown an increasing reluctance to co-operate fully in the investigation of these complaints, to the point where only 27% of service-related complaints were resolved informally.

Atomic Energy Control Board

The performance of the Atomic Energy Control Board in service to the public is satisfactory, especially with respect to written communications. However, in spite of some language of work initiatives since our last evaluation in 1988, French still does not enjoy its rightful place and, although Anglophone and Francophone participation is generally equitable, major sectoral and regional imbalances remain in Quebec and New Brunswick. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

At the Board's head office service to the public is in both languages for written and oral communications. Of the Board's 225 occupied positions 50.2% (113) are designated bilingual, of which 88.5% (100) of incumbents meet the language requirements. In the regions, which account for only 50 of the Board's 225 employees, bilingual telephone service is actively offered in Quebec (Laval and Gentilly) but only by way of a telephone link with headquarters for the other offices. It is anticipated that in future all licences granted under the Atomic Energy Control Regulations will be posted in both official languages.

With respect to language of work, the senior management committee operates mainly in English. However, we note that a training plan is in place to improve the linguistic capacity of committee members. The weak bilingual capacity of

some supervisors is also a major obstacle to the use of French as a language of work. In the Management category 15 of the 20 employees are bilingual but only four have reached the required level. In the Scientific and Professional category 14 out of 40 claim to be bilingual but only at the intermediate level. To remedy this situation the Board has established an internal training and follow-up plan to increase the linguistic proficiency of supervisors. There are also problems with work instruments. The Board recognizes the urgent need to provide employees with bilingual glossaries and, although word processing systems are in place for scientific, financial and other reports, manuals and guides are available in French only on request.

Given the institution's mandate, clientele and the location of its offices, overall participation of Anglophone and Francophone employees is well-balanced at 77% and 23% respectively. However, there are some imbalances in the Administrative and Foreign Service and Administrative Support categories, where the Anglophone participation rates are low (53% and 62%). None of the employees in Quebec is Anglophone and none of those in New Brunswick is Francophone. The Board is aware of these unacceptable imbalances and is committed to taking the necessary measures to correct them.

One complaint was made against the Atomic Energy Control Board in 1990.

Atomic Energy of Canada Limited*

Our 1990 linguistic audit confirms that the performance of Atomic Energy of Canada Limited in serving the public is indeed quite good particularly in terms of written documentation, but uneven in conveying the image of Canada's linguistic duality nationally and internationally. Regarding language of work, AECL is still at square one in terms of ensuring that French enjoys its rightful place. Similarly, with Francophone participation still at only 6%, the Corporation has a great deal of work to do to rectify the participation imbalance. It must be emphasized that AECL is undergoing major restructuring and that, in this context, it has begun to overhaul its official languages program. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

The Crown corporation has been very consistent over the years in providing high quality bilingual publications to its specialized and general public alike. The research sites of Whiteshell and Chalk River also offer well-organized guided tours in both official languages to visitors (8,511 in 1989 in Chalk River, of whom 1,453 were Francophone).

While AECL has a strong national and international presence, it often does not convey the linguistic duality of Canada at trade shows, conferences, or within

the framework of commercial transactions. Furthermore, the uneven application of Section 28 of the Act dealing with active offer of service, especially at its CANDU Operations head office where it is virtually non-existent, also affects its service to the public negatively.

The unilingualism of the senior management committees restricts the use of French as a language of work. But, as in 1989, the most serious language of work problem plaguing AECL is the very low bilingual capacity of its supervisors; at the Corporate Office 20 of 30 supervisors fail to meet the language requirements of their positions as do 18 of 26 at the Research Company head office. In Montreal over half of the Francophone employees deal with unilingual English supervisors. Central services are very often not available in both languages, especially at CANDU Operations, Head Office.

In spite of the fact that 92% of employees work in unilingual English regions, an overall Francophone participation rate of 6% again this year is insufficient in light of the nature and mandate of the offices. In CANDU Operations the rate of Francophone participation in the Montreal office is unacceptably low at 46%. This state of affairs is surprising since AECL has access, for Francophone recruitment, to Canada's largest engineering school, the École polytechnique de Montréal. In the Support category throughout CANDU Operations, Francophone participation is only 16%. In the Research Company Francophones constitute only 2% of the Management category. However, the Corporate Office in Ottawa has a low Anglophone participation rate in the Support category (58%).

AECL is facing serious problems with administration of the official languages program: insufficient integration into its operations, confusion in the designation of linguistic profiles of positions, inadequate language testing procedures and high absenteeism in language training. Such poor performance inevitably affects the organization's capacity to meet the requirements of the Act.

There were no complaints against Atomic Energy of Canada Limited in 1990, compared to one in 1989.

Auditor General

The Office of the Auditor General has improved the quality of its services in both official languages since our last evaluation in 1987. It still has a number of problems to solve, however, with respect to language of work and the equitable participation of both language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not had the expected impact since its promulgation in 1988.

The Office is quite successful in fulfilling its responsibilities with respect to service to the public. It has a very high bilingual capability (93.9% of employees

serving the public meet the language requirements of their positions), offers service actively in both official languages, has bilingual commissionaires at all visitor reception points and always produces bilingual publications.

Although many of the elements required for employees to work in the language of their choice are already in place French is not as prominent as it should be. Management committee meetings are conducted primarily in English and 25% of incumbents of supervisory positions do not meet the language requirements. Auditing teams do not systematically offer their services in both languages to interviewees in departments and agencies being audited and the Montreal regional office still receives unilingual English documentation from headquarters in Ottawa.

Overall Anglophone and Francophone participation levels are 62.8% (388 employees) and 37.2% (230) respectively. In light of the Office's mandate, clientele and location of its offices, Anglophone participation is a little low, particularly in the Administrative Support category (43.1%). Conversely, Francophones are a little under-represented in the Management category (23.1%); however, there has been a slow but steady improvement since 1987, when Francophone participation in this category was only 18.5%.

On the program administration side, the Office is preparing to sign its letter of understanding with Treasury Board and more specific directives on managers' official languages responsibilities will be issued shortly.

As in 1989 we received no complaints about the Office of the Auditor General.

Bank of Canada

During 1990 the Bank of Canada maintained its more than satisfactory performance in providing services to the public in both official languages, and it continues to improve its performance by fostering an increasingly bilingual work environment. However, the Bank will have to pursue its efforts to balance the participation of Anglophones and Francophones at certain levels. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

The institution is very conscious of its obligation to serve the public in both official languages. For example, its receptionists are trained to actively offer service in both English and French, and telephone and counter staff are provided with "help" cards to assist them in dealing with clientele in the client's preferred official language. The Bank once again went to great lengths to ensure that its Canada Savings Bond advertising campaign complied with the spirit and intent of the Act.

The Bank has taken an active approach to meeting its language of work objectives within its agencies. It continued to take initiatives to increase the use of French within the Bank. All senior management meetings, as well as management meetings in three-quarters of its departments, are held in both languages, and have been for some time. In 1990, 62% of the Bank's supervisors were bilingual, up slightly from 60% in 1989. Supervisors and managers still enjoy priority in the Bank's language training program. Fifteen Anglophone supervisors enrolled in a program for the revision of texts and the drafting of performance evaluations in French. Six Anglophones and three Francophones took part in a worthwhile program whereby employees are exchanged between regions to supplement their language training. Employees of both language groups were encouraged to practise their second-language skills in telephone calls with colleagues in other regions.

Although the Bank has succeeded in maintaining the same balance in some categories (e.g., Management and Scientific and Professional, where the participation rate of Anglophones is 73% and 74% respectively), it should continue its efforts to increase the percentage of Francophones in the Administration category (now 23%) and the percentage of Anglophones in the Administrative Support category (now 61%), in order to achieve a better balance.

The Bank has actively demonstrated its genuine commitment to complying with the spirit and intent of the Act. An Advisory Committee on Bilingualism composed of senior managers lends a high profile to the program and Bank departments include official languages objectives in their annual plans. Employees are informed of the Bank's progress in meeting its official languages objectives in the institution's Annual Report on Bilingualism. The program is actively promoted by a Bilingualism Adviser who also conducts specialized audits of departments' linguistic performance.

We did not receive any founded complaints against the Bank of Canada in 1990.

Canada Mortgage and Housing Corporation*

Our 1989 language audit follow-up (the report was made available in 1990) showed that the Canada Mortgage and Housing Corporation has made progress in implementing our recommendations. In 1990 the Corporation continued in general to fulfil its responsibilities effectively with respect to service to the public in most offices designated as bilingual. Despite some improvements, however, shortcomings persisted in the area of language of work, and there are still imbalances in the participation of the two language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

The Corporation actively offers its services to the public in both languages, by telephone and in person, and provides documentation on its services and housing programs in English and French. Generally speaking, signage is bilingual in all offices. In January 1990 the Corporation issued a directive on the use of the minority language media for notices, advertisements, calls for tenders and job opportunities. Despite this reminder we received 15 complaints concerning failure to publish advertisements in the French-language press.

The public can generally expect to receive service in both languages at the Corporation's offices designated as bilingual. In Sault Ste. Marie, however, neither of the two incumbents of bilingual positions meets the language requirements. The Corporation makes many publications for specialized clientele and the general public available in both languages. However, research reports of a technical or scientific nature produced for CMHC that would be of interest to the general public as well as to its clientele are in English only. As a result of our representations the Corporation has undertaken to revise its guidelines on the publication of such reports in both languages.

The Corporation has taken measures to improve the status of French as a language of work; it still does not enjoy its rightful place in this regard. French is infrequently used at meetings, except in Quebec, whether at general meetings at the National Office, meetings of managers from the National Office and the regions or internal division meetings. It is used more frequently at meetings of the management committee and of a few sectors where there is a high concentration of Francophones and bilingual Anglophones. The high percentage of unilingual English supervisors occupying bilingual positions — 27.1% at the National Office (56 of 207), 29.7% in the Ontario Region (11 of 37) and 53.3% in the Atlantic Region (8 of 15) — as well as the small number of bilingual supervisory positions requiring the highest level of linguistic proficiency (67 of 323 positions, or 20.7%) constitute a serious obstacle to the use of French. Additional efforts should be made to create a work environment conducive to the use of both official languages.

Official documents and work instruments are bilingual. Training and development courses are offered in English and French and a larger number of Francophones are exercising their rights in this regard. Central and personnel services are available in both languages at the National Office and in Quebec, but not always in the Atlantic or Ontario regions.

The Corporation has 2,795 employees. Considering its mandate, clientele and the location of its offices, and the fact that most of its employees are in bilingual regions, overall participation appears equitable: Anglophones constitute 70.2% (1,963) of the staff and Francophones 29.8% (832). CMHC has not managed to rectify the deficiencies mentioned in past years: insufficient Anglophones in Quebec (3.5%) and, at the National Office, in the Technical (26.7%), Adminis-

trative Support (50.8%) and Operational (53.6%) categories. There are few Francophones in western Ontario (3.4%).

The Official Languages Group made employees and managers aware of their linguistic rights and obligations. Directives were issued but the Corporation has yet to amend its manual of directives and methods to adapt it to specific aspects of the 1988 Act.

We received 21 founded complaints against the Corporation in 1990 compared to 32 last year. Fifteen concerned the absence of advertisements in French in minority language newspapers, three dealt with unilingual English signage, two related to telephone services and one concerned the absence of bilingual personnel at the Timmins branch. The Corporation co-operated well in resolving the complaints.

Canada Post Corporation

Canada Post provides a considerable number of services in both official languages in many parts of the country. Once again in 1990 the Corporation needed to make improvements to weaknesses in service to the public. In some key areas bilingual positions continue to be staffed by unilingual employees and complaints at privatized outlets show that monitoring of compliance with linguistic obligations needs to be strengthened. Among the positive developments is a sharp decline in complaints concerning the use of the minority language press. With respect to language of work, further efforts must be made so that French can enjoy its rightful place at headquarters and in the Ottawa area. However, despite downsizing and a staffing freeze, the overall participation of both language groups among employees remains equitable. Near year's end, Canada Post distributed to some 30,000 employees in bilingual areas and offices an information brochure on official languages and advertised the availability of postal services in both languages at designated outlets. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not yet had all the intended impact since its promulgation in 1988.

Canada Post operates 8,305 postal outlets directly or indirectly, 1,346 (16.2%) of which provide bilingual services. Many do so adequately, but many others lack the capability to guarantee consistent service in both languages or to offer service actively in English and French. In some localities complaints also raise questions about the limited number of bilingual outlets and their locations. In Moncton the Corporation opened a large postal franchise downtown with no requirement to provide service in French. In Fredericton Canada Post dropped the bilingual clause from a contract for a postal counter when it signed up a new operator, even though the former operator reported a steady demand for service in French. The long-standing problem of inadequate bilingual capacity at the main post office in Charlottetown remains unresolved.

The Corporation is reorganizing its retail operations. We encourage it to use locational rules that are consistent with the Act and the coming regulations on service to the public. Only in this way will such rules correspond to the rights and needs of the minority language clientele. Similarly, timely and thorough consultations with minority language groups are essential to ensuring that the realignment of retail services takes into account the needs and rights of the local minority population. Canada Post meets regularly with various associations.

Canada Post took a positive step in 1990 to address the issue of staffing bilingual counter positions with qualified employees in corporate post offices. The Corporation informed its union that it would accept the Commissioner's recommendation to introduce imperative staffing and would do so where the Commissioner recommended such action. While we commend the Corporation for this, we nevertheless believe that it is Canada Post's responsibility to determine which particular counter positions should be staffed on an imperative basis based on the Corporation's obligations under the Official Languages Act.

Three years ago Canada Post announced that on average three bilingual positions are required to ensure adequate service in both languages. Complaints reveal that some post offices designate only two positions as bilingual, with the result that there are not enough bilingual employees to cover all shifts, breaks and absences from work. At one post office we visited, following several complaints, bilingual positions had been cut the previous year from three to two. At the time of our visit both incumbents were absent for several weeks, leaving the office with no bilingual capacity at all. The third bilingual position was restored but a staffing action at the same time resulted in only one of the three positions having a bilingual incumbent.

Approximately one-half of complaints about counter service and signage concerned private outlets. Operators of bilingual outlets have contractual requirements to provide service in both official languages but complaints repeatedly testify to the need for the Corporation to reinforce its monitoring mechanisms. We are examining a new system, announced last year, for monitoring private outlets. Furthermore, the standard linguistic clause for bilingual-designated franchised outlets is silent on the concept of active offer as well as on the definition of minimum bilingual capacity.

With respect to language of work, French does not enjoy the status it should within the Corporation. The unilingualism of certain supervisors in the Ottawa area does little to ensure an environment conducive to the use of both official languages in the workplace. Mechanisms established to monitor language use in meetings produced no feedback at the time of writing. Several complaints revealed that other mechanisms to check the language of documents were ineffective in preventing the distribution of unilingual English documents at meetings in Quebec City and Montreal. Other complaints under investigation at

year's end concerned unilingual English telephone communications from headquarters to Quebec.

Despite downsizing and a staffing freeze, Canada Post has maintained an equitable balance, given its mandate, the clientele served and the location of its offices, in the overall participation ratio of Anglophone and Francophone employees (74%-26%). Francophones constitute 27.5% of senior management and their participation rate is improving among managers and directors (at 24% and 20% compared to 23.3% and 17.5% in 1989). Anglophone participation among the Corporation's Quebec employees has declined to a low 2% from an already unacceptable 2.5% in 1989.

We received 297 founded complaints against the Corporation in 1990, 54 fewer than in 1989. Most of the change is due to a significant improvement in the use of the minority press; there were only three complaints about this in 1990 compared to 52 in 1989. Otherwise, complaints reflect the persistence of some systemic problems in serving the public at both corporate and private outlets and in the use of French in the workplace. Furthermore, our experience in investigations and communications with the Corporation was marked on many occasions by a repeated need to refer matters back to Canada Post to ensure that language requirements were being met.

Canadian Broadcasting Corporation

The Canadian Broadcasting Corporation made progress in terms of service to the public and maintained good performance in this area in 1990. In addition, the work environment is becoming more conducive to the use of both official languages at headquarters and in the Ottawa area. However, while the participation of the two language groups is generally equitable, Anglophone participation is still low at headquarters. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Clearly, the recent budget cut at the Corporation has had a negative impact on the official language minorities. The cancellation of French-language television services in Toronto, for example, runs directly counter to the recommendation in our 1988 Report concerning improved services to minority communities in that region.

The CBC focused on improved service to the public in 1990. In Vancouver, for example, it recruited bilingual security guards and made its signage bilingual. In Charlottetown it had a 1-800 telephone line installed for calls in French and improved its bilingual reception services. In Toronto, however, its efforts have not yet produced results due to its inability to find bilingual guards. It does, however, have bilingual telephone reception capability at all its bilingual

facilities in Toronto and, in general, at the regional facilities that broadcast in only one language. In the National Capital Region and particularly at headquarters staff are beginning to identify themselves bilingually on the telephone.

The study on the programming needs of Francophones outside Quebec was tabled in 1990 and the Corporation is currently discussing its implementation with the Treasury Board Secretariat.

The language of work situation has also improved this year. The senior management committee operates in both languages. At headquarters and at other offices in the Ottawa area the work environment is increasingly conducive to the use of both languages and the conditions required for bilingual meetings are beginning to exist in most sectors. However, we do not believe that French fully enjoys its rightful place as a language of work; for instance, communications to employees are not always bilingual in every unit. Elsewhere in Canada, in keeping with its host broadcaster concept, the Corporation has managed to provide good quality central and personnel services to employees of the French network in Winnipeg and of the English network in Montreal, for instance. It has also made progress in bilingualizing major automated systems.

The CBC has two major components, the English and French networks, and, at the end of the year, had a total staff of 11,180. Anglophones make up 56% and Francophones 44% of the total. At headquarters the number of Anglophones is too low; they occupy only 61% of management positions and 32% of administrative support positions. In light of its mandate, clientele and location of its offices, the CBC must, we again repeat, rectify this situation.

The Corporation has achieved a great deal in the past year: particular examples are improvements in the language training program and the resolution of problems concerning service to the public. It will now have to complete the projects it announced last year: development of a better data management system, an inventory of work instruments and a review of the language requirements of its positions. It will also have to address the issue of managerial accountability with respect to official languages.

We received 14 founded complaints against the Corporation in 1990, a considerable reduction from the 50 of the previous year. All concerned service to the public, particularly office reception. At year's end we were still discussing the need for bilingual competition notices for English-essential and French-essential positions located in regions where there is significant demand for bilingual service. Thanks to the Corporation's willing co-operation we were able to resolve all of the complaints promptly.

Canadian International Development Agency

In 1990, as in past years, the Canadian International Development Agency distinguished itself by its good linguistic performance. The Agency continues to

meet its linguistic responsibilities in terms of service to the public and language of work. However, there are still serious imbalances in Anglophone/Francophone participation. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Service to the public is in both official languages thanks to CIDA's strong bilingual capability, active offer of service and administrative arrangements to compensate for the unilingualism of some employees. Its publications are bilingual and all material of general interest is available in both languages, even in draft form, for internal and external consultation. However, some handbooks for cooperants posted overseas are still unilingual. We encourage the Agency to rectify this situation as soon as possible.

CIDA offers its employees a work environment conducive to the use of both languages. In general, English and French are routinely used at senior management committee meetings and meetings at other levels. In addition, 88.5% of supervisors meet the language requirements of their positions and a training plan has been established for those who do not. We are pleased to note a significant decrease (from 30 to 8) in the number of supervisory positions requiring only elementary second-language knowledge since our last evaluation in 1988. Progress has been made in bilingualizing CIDA's data processing systems; most are already accessible to users in both languages. Each branch has a bilingual support team to help employees using these systems.

Anglophone participation has again declined, from 43% in 1988 to 41.2% in 1990. We find this low in light of CIDA's mandate, clientele and location of its offices. Even though the Agency's terms of reference justify Francophone participation above the national level, since it does business in both languages equally in Canada and abroad, the fact remains that it must make every effort to rectify this longstanding problem. The action plan contained in the letter of understanding signed with Treasury Board confirms CIDA's commitment in this regard. We are particularly interested in two occupational categories, Administrative Support and Management, in which Anglophones occupy only 25.8% and 58.6% of positions respectively.

The one complaint against the Agency in 1990 dealt with language of work and was quickly resolved.

Canadian Museum of Civilization

In 1990 the Canadian Museum of Civilization became an independent Crown corporation. Despite the reorganization this change produced the Museum did well in meeting its language of service obligations. French does not fully enjoy its rightful place as a language of work. Anglophone participation is low in certain employment categories, given the Museum's mandate, location and

clientele. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

Following are some of the positive features of the Museum's service to the public. Active offer of service has been improved through installation of a bilingual sign clearly indicating to visitors what activities are going on and in which language; a telephone system with recorded and computerized information was installed in 1989 and this allows the public to obtain information in their language; lastly, minority Francophone groups are regularly consulted when certain programs are being developed. Third parties acting on behalf of the Museum are bound by their contracts to provide service in both languages.

Internally, French is used one-third of the time at senior management committee meetings. Agendas for these meetings are bilingual and minutes are written in the language used by participants. Of the 103 incumbents of bilingual positions with supervisory functions 69 (67%) meet the language requirements and about 40% of these positions require only the intermediate level of second-language proficiency. This situation does not favour the free use of French in the workplace. Employees may take development courses in their language but the Museum was not able to tell us whether they exercise this right nor what progress it had made with respect to computer systems.

Overall Anglophone participation at the Museum is 51.6% (223 of 432 employees). As in 1989 Anglophone participation is inadequate in the Administrative Support (39%) and Operational categories (35%). The number of Anglophones in the Technical category decreased sharply, falling from 84 (75%) in 1989 to 57 (60%) in 1990. Francophones have increased by 6.3% in the Scientific and Professional category, rising from 22.3% in 1989 to 28.6%. However, their numbers have not changed. The participation of the two groups appears adequate in the Administrative and Foreign Service category (65.3% Anglophone, 34.7% Francophone).

Those responsible for administration of the program should review their official languages policy in the light of the 1988 Act. The official languages responsibilities of executives and managers are taken into account in their appraisals.

Nine complaints were made against the Museum, seven more than in 1989. Six concerned service to the public, two involved language of work, and one dealt with management of the program. The Museum has been co-operative in handling these complaints.

Canadian National

In 1990 Canadian National met its linguistic obligations with regard to service to the public fairly well. However, French does not enjoy its rightful place as a language of work and, bearing in mind its reduction in staff, the Corporation has

made no progress in correcting the low participation of Francophones since our evaluation in 1988. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

CN's knowledge of its business customers, by far its largest clientele, enables it to meet its linguistic responsibilities satisfactorily despite the limited bilingual capacity of some of its offices. To compensate for its shortcomings, and following the example of the toll-free service introduced in Moncton two years ago, a telephone line for the French-speaking public was installed in Winnipeg and another was to be established in Toronto at the end of the year. The handful of complaints from the public this year concerned signage and the absence of advertising in certain minority official language weeklies. CN has distributed guidelines to its managers on this subject and this should help to avoid similar complaints in the future.

With regard to language of work, some obstacles remain to be overcome to ensure that the environment is conducive to the increased use of French at Montreal headquarters. French is seldom employed in meetings at all levels and in most sectors. The level of second-language proficiency required of supervisors is being re-evaluated. Many of the work instruments available only in English have been translated this year or are being translated and a committee has been established to determine what measures should be taken to enable the Corporation to comply with the requirements of the Act with respect to automated systems. CN has publicized, through information sessions and articles in its internal publications, its new policy on language of work, which finally recognizes the right of employees to work in the official language of their choice in regions designated as bilingual.

Only 71.1% of CN employees have been identified as belonging to one or the other official language group. Of the 36,956 employees 19,170 identified themselves as Anglophone (51.9%) and 7,091 are Francophone (19.2%); 10,695 (28.9%) have not yet been identified. In the circumstances, it is difficult to draw detailed conclusions other than that Francophone participation at Montreal headquarters, at approximately 30%, is low considering the Corporation's mandate and the location of this office. Moreover, only five of CN's 29 managers at the executive level are Francophone. We strongly encourage the Corporation to take the necessary steps to determine the linguistic preference of all its employees.

The administration of CN's official languages program was given fresh impetus in 1990. A new policy was prepared and distributed to managers and a committee comprised of five vice-presidents was created to oversee the adoption of official languages action plans.

Of the 20 complaints investigated in 1990 concerning Canadian National 11 dealt with service to the public and nine with language of work. We appreciated CN's excellent co-operation in our investigations.

Canadian Radio-Television and Telecommunications Commission

Again this year the Canadian Radio-Television and Telecommunications Commission distinguished itself by the quality of the services it offers to the public in both official languages. The Commission is well served by its extensive bilingual capacity, which also helps bring French closer to the status it deserves as a language of work in most sectors. However, Anglophone participation is still low, particularly in the Administrative Support category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

The CRTC has a broad mandate and the task of serving the country is challenging. In 1989-90 its officers responded to more than 11,000 complaints, processed nearly 4,000 applications and held 21 public hearings in both official languages. Under the terms of its constituent legislation the CRTC must publish notices and advertisements concerning its hearings. In 1990 there were some 3,000 publications of such notices in the major dailies and the minority language weeklies. The Commission has a large bilingual capacity in that more than 60% of its employees are bilingual and 75% of its bilingual employees have reached the highest levels of second-language proficiency (superior or exemption). All of the Commission's four regional offices greet clients in both languages.

French is moving ever closer tc its rightful place as a language of work at headquarters. Management committee meetings are conducted in both languages and almost all supervisors are bilingual. All in-house computer data bases are now fully bilingual and French is gradually being used more at meetings. This trend is less noticeable in the telecommunications sectors, where Anglophones account for the vast majority of staff. The CRTC must therefore continue to implement measures that will help give Francophones the choice of working in their own language. For example, it must finish translating its computerized systems and modernize and increase the quantity of its French-language training and development material.

Given the organization's mandate, clientele and location of its offices, Anglophone participation (53% of all staff) is still low. This is particularly true of the Administrative and Foreign Service and Administrative Support categories, where Anglophones occupy only 51% and 39% of positions respectively. Similarly, Francophone participation in the Management and Scientific and Professional categories is low (13% and 11% respectively).

Five founded complaints were lodged against the CRTC in 1990, four of which concerned service to the public. The other related to the linguistic identification of a position. We received excellent co-operation from the CRTC in settling these complaints.

Communications*

In 1990 the Department of Communications continued to provide the public with services of good quality in both official languages and several achievements created an environment increasingly favourable to use of the two languages. Anglophone participation continued to be too low this year in some categories and in Quebec. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Generally speaking, the public can expect to receive quality services from the Department in both official languages in terms of both written and oral communications. This situation was confirmed in our audit report, which noted that there had been great improvements in this regard over the years. The Department ensures that its officials at points of contact with the public offer and provide their services in both languages. Of the employees occupying bilingual positions serving the public, 84.6% meet the language requirements. The only problem for which the Department has not yet found a definitive solution is the very poor quality of the French in some government entries in telephone directories. We hope that the control measures being contemplated by the Government Telecommunications Agency will put an end to these anomalies.

The Department has been working for several years to establish the foundations to enable employees in the designated regions to use the official language of their choice. French is widely used at senior management meetings, employees and managers are informed of their official languages rights and obligations and, overall, central and personnel services, training and development courses, working papers, memorandums and circulars are available in both languages. Twenty-two per cent of supervisors still do not meet the language requirements of their positions and this hampers the use of French as a language of work. However, among its achievements, the Department has made a writing assistance and text revision service available to employees and has established a language training follow-up service designed to maintain and improve language proficiency.

Anglophone participation is more or less the same as in 1989 and, given the Department's mandate, public and location of its offices, remains too low in overall terms (63.4% of the 2,235 employees) as well as in the Administrative Support (49.4%) and Administrative and Foreign Service (57.1%) categories. Francophone participation in the Scientific and Professional category (25.5%) is now appropriate. However, Anglophone participation in Quebec, which was already low last year, posted a drop of 0.9%, falling to 5.1% this year.

The official languages program was managed well again this year. Official languages objectives are made an integral part of operational programs, their implementation is regularly monitored and managers' performance with respect to official languages is assessed annually. The Internal Audit Directorate includes

an official languages component in its studies. In addition, the Department signed a letter of understanding with Treasury Board and plans to develop internal procedures to ensure achievement of official languages objectives.

In 1990 12 complaints were lodged against the Department compared to 11 last year. Eight concerned telephone services, five of which related to reception. The other three dealt with government entries in telephone directories. The Department offered good co-operation in settling these complaints.

Consumer and Corporate Affairs

In 1990 Consumer and Corporate Affairs maintained appropriate service to the public in both official languages. In terms of language of work, progress has been made towards creating a work environment conducive to the use of French. In the area of equitable participation, in light of the Department's mandate, clientele, and the location of its offices, Anglophone participation is still low, especially in Quebec and in the Administrative Support category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

As was the case in 1989, Consumer and Corporate Affairs does a good job in providing its services in both languages. Signage, telephone reception, publications and inspection services are bilingual. Internal monitoring of telephone service as well as of service offered by way of the Treasury Board symbol has confirmed that the Department is complying with government policy. On the other hand, an error was made in the Montreal patent office during the qualifying exams for patent agent status: the documentation was available in both official languages but only one version was handed out to the candidates.

The analysis of 122 complaints confirms again this year that the scope of the labelling acts administered by the Department is too narrow to adequately cover the health, safety and security requirements of Section 26 of the 1988 Official Languages Act. As in 1989, we encourage the Department to revise its legislation and regulations to better protect the Canadian public in this respect as well as to continue to co-operate with other departments in the updating of other similar legislation and ensuring adequate monitoring of existing legislation and regulations.

Consumer and Corporate Affairs has taken steps in 1990 towards creating a work environment that is more conducive to the use of both official languages. The senior management committee uses both languages in its operations. In supervision, the number of employees meeting the language requirements of their positions has risen from 82% to 84%, and the number of those reaching the superior level has risen from 21% to 24%. For all intents and purposes the mini-

mum level (A) has disappeared. It is now departmental policy to have performance appraisals written in the first official language of the employee. As promised in 1989, a glossary was developed for employees in the Bureau of Competition Policy. An action plan for the use of computer systems is about to be released and follow-up programs to language training have been launched, tailored to the needs of clients such as senior managers and laboratory employees.

The overall participation rate remains basically unchanged since last year at 62% Anglophone and 38% Francophone. Given its mandate, its clientele and the location of its offices, the participation rate of Anglophones is low, particularly in Quebec (6.5%) and in the Administrative Support category (48%), which is lower than in 1989 (51.6%). Anglophone participation is also low in the National Capital Region (46%) and in the Administrative and Foreign Service category (60%).

Of 119 founded complaints (33 in 1989) against the Department this year 114 concerned labelling of consumer products. The Department co-operates fully with our Office to resolve these complaints.

Correctional Service

In 1990 the Correctional Service of Canada made progress in several areas relating to service to the public. However, French does not yet have its rightful place as a language of work at headquarters and in New Brunswick and overall Anglophone participation is still a little low. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not entirely had the expected impact since its promulgation in 1988.

The hiring of 21 bilingual health care professionals during the year (60% of the target) reduced from 35 to 14 the number of bilingual nurses, doctors, psychiatrists and psychologists the Service estimates it still needs to provide adequate health care services to all clientele in either official language. We commend the Service for this achievement. However, we received complaints in 1990 in this regard from Francophone inmates at the Kent Penitentiary in British Columbia and at the Prison for Women in Kingston, Ontario. Since it opened in 1987 the Atlantic Institution in Renous, New Brunswick, has been without a general physician able to practise in French and has only one bilingual nurse. On a more positive note, the Dorchester Penitentiary, which offers health care in both official languages, is setting a good example.

There were two complaints again this year from the Cowansville and Archambault institutions as a result of the difficulty of the Quebec Region in providing Anglophone inmates, within the prescribed time period, with an English copy of reports on their cases prepared for the National Parole Board. Because of the

case management officers' strike in the fall of 1989 it took longer for the Correctional Service's regional headquarters to resolve this problem, which we first noted in 1988. We hope that measures taken in 1990 will prove effective.

With respect to language of work, the management committee places equal importance on both official languages at its meetings and 18 of the 32 managers in the EX group in bilingual regions have a superior knowledge of both languages. Although a study commissioned by the Correctional Service reveals that in the National Capital Region, where more than 60% of the employees are bilingual, both official languages can generally be used in its operations, we believe serious problems still need to be resolved before French can occupy its rightful place as a language of work. Many unilingual English draft documents are circulated for comment and some documents from headquarters are sent to the Quebec Region in English only.

Overall Anglophone participation (66.7%) remains virtually unchanged since last year; we find this figure a little low given the mandate of the organization, its clientele and the location of its offices. The Correctional Service is having a great deal of difficulty attracting Anglophones in Quebec, where they make up only 1.5% of its regional workforce. Of the 432 employees in the National Capital Region only 249 (57.6%) are Anglophone. In Ontario Francophone employees constitute only 2.6% of all staff. However, in the Atlantic Region the situation remains good with Francophones occupying 20.6% of positions (30% in New Brunswick).

On the program management front, the Correctional Service has revised its policy on services to inmates and its planning process and has set up an improved monitoring system.

We investigated 45 complaints in 1990 compared to 32 in 1989, mostly from inmates. The Service co-operated well in resolving these complaints.

Emergency Preparedness

Emergency Preparedness Canada, as a new department separated from National Defence, is just beginning to develop its own official languages policies and programs. Its mandate to offer services to the public is limited, but it is able to do so in both official languages despite some weaknesses. While some initiatives have been taken to encourage its use within the Department, French has not yet achieved its place as a language of work. The overall participation of Anglophones and Francophones is equitable, but some sectoral and regional disparities exist. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact in 1990.

The Department promotes civil preparedness for emergencies of all types. Its main activities, delivered by headquarters and by a regional office in each

provincial capital, consist of liaison with other government agencies at all levels; direct contact with the public is limited. It provides a large number of publications, which are all available in both official languages. Emergency Preparedness has the capacity to serve the public directly in both languages in most offices and has identified regions of significant demand. In certain offices where there is no bilingual staff toll-free telephone service in French is provided. This may not be satisfactory in a disaster, especially in the Winnipeg office. The Department also offers courses in both languages on disaster and emergency preparedness at its Emergency Preparedness College near Ottawa.

As a language of work French does not enjoy its rightful place within the Department. Bi-weekly executive meetings are held in English and the minutes are distributed to all employees in English only. Another obstacle to the use of French has been the low bilingual capacity of supervisors (50%). The Department is trying to change this situation by re-examining the language requirements of supervisory positions. Francophones are encouraged to write reports in French and a video on how to conduct bilingual meetings has been shown to the Executive Committee. Performance evaluations are available in the language of choice of the employee and official languages is a criterion in evaluating supervisors.

In view of its mandate, clientele and location of its offices, overall participation (76% Anglophone, 24% Francophone) is equitable. However, the Francophone participation rate among senior management is only 12.5%, which is a serious weakness. In addition, there are no Anglophones in the Quebec regional office. A review of participation rates is planned as a long-term objective.

The Department is now developing its own policy along with its official languages letter of understanding with the Treasury Board. Managers and employees have until now been informed of their language rights through the distribution of Treasury Board and Department of National Defence official languages policies and directives. Language training is available to incumbents of EX positions to reach the superior level and developmental language training was also available to employees as of November 1990.

There was one founded complaint against Emergency Preparedness Canada in 1990; it concerned the unilingual English designation of the position of Regional Director, British Columbia. This was an impetus for a planned re-evaluation of similar positions nation-wide. We received good co-operation in resolving this complaint.

Employment and Immigration*

The Canada Employment and Immigration Commission with its many offices across the country has continued in 1990 to discharge its linguistic responsibilities well in terms of service to the public. However, not all offices serving

identifiable official language communities have been designated bilingual, although progress has been achieved at some service points. Employees' rights with respect to language of work are not fully respected in designated regions and the low participation rate of Anglophones in Quebec remains virtually unchanged from that of previous years. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

Although the Commission is not without problems in terms of service to the public (127 complaints were received on the subject in 1990), employees are generally aware of the existence of the Act and provide service in the preferred official language of the client at most offices where there is significant demand. Some progress has been achieved in increasing bilingual services in areas where the demand has shown the obvious need for an improved level of service. The Canada Employment Centre in Oshawa, Ontario, is a case in point. Although the Commission had a plan in anticipation of the newly tabled regulations on service to the public, it had not designated additional centres as significant demand offices.

The lack of adequate bilingual capacity in Charlottetown, Halifax-Dartmouth and Portage la Prairie has caused problems resulting from ineffective administrative arrangements. The future regulations dealing with service to the public will require the Commission to reassess the level of bilingual service available in many parts of the country. The exemplary recommendations of the Ontario Region's task force on bilingual services should enable the Commission to improve its level of service in the Ontario Region and thereby comply more fully with the requirements of the Act.

A Commission report on its national telephone survey dealing with reception, call transfer and the provision of service in both official languages showed positive results for recognized significant demand offices, the National Capital Region (NCR) and headquarters. Improvements to the translation software of the Commission's computerized job card system continue and, although serious problems still exist, progress has been made in expanding the dictionary and in providing staff with additional user training. Computer-translated job orders are increasingly being reviewed prior to posting and the system has been expanded to include some 200 local employment centres. Additional efforts are required to increase employee awareness of the importance of active offer and respect for official language minority rights in written communications with the public. Where administrative arrangements for providing services in both languages are unavoidable the Commission should ensure that these are well understood and applied systematically by the staff.

The Commission has described its policy on language of work in detail to its staff, and both senior management and supervisors are informed of their objec-

tives. The use of French at headquarters senior management meetings is encouraged and has increased. The Commission has also successfully increased the language proficiency of its supervisors through language training. The findings of our audit of the Quebec region indicate, however, that Anglophones in designated regions for the most part have to use their second official language in their daily work. Internal communications and staff meetings in Quebec are in French only. Professional training courses are offered in one language and the rights of Anglophones to professional training in their first official language are restricted. Some training sessions and "national" meetings are in English only when held outside Quebec. The results of the language of work study conducted by the Commission in 1990 and planned as an annual event, as well as those of the Ontario Region's task force study, which included language of work, should enable the Commission to identify more effective means of promoting the use of both official languages as languages of work.

Overall participation rates remain constant and, given the Commission's mandate, clientele served and the location of its offices, it appears equitable at 66.6% for Anglophones and 33.4% for Francophones, since nearly 30% of its employees are in Quebec and nearly 12% in the NCR. While the participation of both language groups is equitable in most occupational categories, a notable exception is the low participation (40.3%) of Anglophones in the Administrative Support category in the NCR. Anglophone participation in Quebec also remains inadequate at only 3% of total staff. In concrete terms, little progress has been made in the six years since the Commissioner recommended action in this area.

The Commission's official languages plan covers most aspects of the Act and is reflected in the Chairman's planning guidelines and updated as part of the departmental planning process. Although the Commission has made considerable progress in updating its official languages policies in line with the Act, the revisions have not been distributed to staff in the absence of regulations. This has resulted in a lack of employee awareness of some of the important aspects of the 1988 Act as confirmed by our Quebec audit and complaints investigations conducted in different provinces.

We received 138 founded complaints in 1990 compared to 130 in 1989. Of the 128 which involved service to the public, 41 concerned telephone communications, 33 related to personal communications and 19 involved correspondence. Complaints received primarily in Nova Scotia and Quebec indicate that the client's preferred language is not always respected in communications involving written correspondence and at meetings conducted by Commission officials. Other complaints received have shown deficiencies in bilingual service, including active offer, at Canada Immigration Centres in Dorval, Toronto and Vancouver and indicate a need for closer scrutiny on the part of the Commission. We received four complaints concerning language of work and one on equitable participation. Our Office has received good co-operation from both headquarters and the regional offices of the Commission in handling complaints.

Energy, Mines and Resources

In 1990 Energy, Mines and Resources maintained an appropriate level of service to the public in both official languages. Although French still does not occupy its rightful place as a language of work the Department has initiated certain projects to encourage its use. Participation of the two language groups remained equitable throughout the Department. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Departmental headquarters provides good service in both official languages. At its sales centre for topographical maps the Department actively offers its products in both languages and counter service is bilingual. Moreover, as a result of the closing of program administration offices in the regions, the some 400 daily requests for information are referred to headquarters by means of a special system.

The senior management committee functions very well in both official languages and uses both English and French in documentation and discussions. However, although there has been a 6% increase over the past year in the number of supervisors who meet the language requirements of their positions, this rate is still too low at 69%, resulting in French not occupying its rightful place as a language of work.

The Department is taking initiatives that show a growing willingness to create a climate more conducive to the use of French; for example, an assistant deputy minister has established an official languages committee that meets every three months. In another sector, a bulletin entitled "Encourageons le français au travail" is distributed twice monthly; there is also a writing assistance service and a self-teaching resource centre. A policy concerning computerized systems is in the works and the Department has negotiated with a private company to translate a software package used by senior management — a measure that will undoubtedly be adopted by other branches.

Given the Department's mandate, clientele and location of its offices, the overall participation of Francophones is equitable at 27%. This year Francophone participation increased in the Scientific and Professional category from 17.5% to 19%. Moreover, to balance participation in this category the Department has undertaken recruitment projects aimed at attracting Francophone candidates in the short and long term, a very important initiative given the Department's scientific mandate. Francophone participation increased in the Management category from 20% to 21%. Anglophones constitute only a low 5% of employees in Quebec.

The number of founded complaints lodged against Energy, Mines and Resources is continually decreasing: from 18 in 1988, to 16 in 1989 and nine in 1990. The

Department's co-operation with our Office in resolving these complaints is excellent.

Environment*

In 1990 the Department of the Environment made progress in a number of areas. It improved service to the public in both official languages, particularly in its parks in western Canada. We are happy to note that it also took a number of positive language of work initiatives and senior management made a commitment to give French its rightful place in this regard in designated regions. However, weaknesses still persist in the overall participation of the two official language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

On the whole the Department's oral and written services to the public are in both languages. It accepted our suggestion of including a note in unilingual restricted documents indicating that it would translate the document if there was sufficient demand. We are also pleased to report that the Canadian Parks Service has implemented the necessary measures and has made improvements to the offer of services to visitors in both languages.

Audits of national parks and historic sites reveal that the vast majority of visitor service points display the sign indicating that services are available in both languages. However, only the employees assigned to parks and sites in the Atlantic Region greet visitors in English and French on a regular basis. Services provided in person are generally available in both languages at the interpretation and information centres of various sites. Although a number of entrance kiosks continue to experience problems we observed vast improvements in this area, notably in Banff National Park, where the Department has installed a large electronic sign over the road indicating which lane to take to obtain bilingual service. In addition, the five-year action plans developed by the Department in 1989 to replace unilingual English road signs in the parks have already begun to give many sites a bilingual character.

With respect to language of work, the agendas and minutes of meetings of the departmental Management Board and of the management committees of the various branches are generally prepared in both languages and participants are invited to express themselves in the official language of their choice. These senior management initiatives will undoubtedly have a ripple effect. The percentage of supervisors who meet the requirements of their bilingual positions is now 85%, up 3.6% from last year. In addition, the Department made changes to its performance appraisal form to allow employees in designated regions to indicate their language preference.

The final versions of work instruments and work documents are generally issued in both English and French and training and development and central and

personnel services are generally provided in both languages. However, French is still relatively little used as a language of work in designated regions outside Quebec except for a few units in the National Capital Region. However, commitments and achievements have been made in this area. For example, the assistant deputy ministers of the Atmospheric Environment Service and Conservation and Protection have reminded their senior managers of their official languages obligations. They have also asked to be notified of any unilingual English documents sent to the Quebec Region for comment and of any unilingual documents submitted to employees of the two language groups.

The overall participation rate of the two official language communities has remained virtually unchanged from last year and, given the Department's mandate, clientele and highly decentralized nature, it remains satisfactory, with 7,733 Anglophones (79.8%) and 1,955 Francophones (20.2%). Francophone participation in the Administrative and Foreign Service and Administrative Support categories is very satisfactory (27.7% and 31.3%), but has declined in categories in which it was already low last year. In the Management category it fell by 0.5% to 17%, and in the Scientific and Professional category by 0.6% to 17.8%. However, of the 45 new employees in the meteorological group of the Atmospheric Environment Service 19 are Francophone. In New Brunswick Francophone participation is now only 25.3% (down 1.3% from last year). In Quebec Anglophone participation, which was already low, declined a further 0.1% to 8.1%.

The Department integrated its official languages objectives into its operational plans and adopted monitoring mechanisms a few years ago. In addition, the assistant deputy ministers signed official languages letters of understanding with the deputy minister containing specific objectives regarding service to the public, the use of French as a language of work and the participation of both official language groups in the regions and in various employment categories. Managers are accountable for results and their performance in this regard is evaluated annually. In 1989 a steering committee, chaired by the deputy minister, was struck to keep a close eye on the situation in the Management category. This committee reports to the departmental management committee on the strengths and weaknesses of the situation. In our view, these initiatives are likely to ensure effective implementation of the Department's official languages program.

Of the 57 founded complaints received this year (three more than in 1989) 53 concerned service to the public. Of that number 13 related to communications in person, 12 to media communications, 11 to telephone service and eight to publications. The other complaints concerned correspondence and the staffing process. The Department's co-operation in settling the complaints was satisfactory.

External Affairs

The language situation remained stable in the Department of External Affairs in 1990 and the problems raised in last year's evaluation are roughly the same

today. Although the services of the Department are generally available in both languages there are still some shortcomings in overseas missions and the problems concerning work instruments and central services persist. Finally, there are still participation imbalances in certain employment categories. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

The services the Department offers to the public are generally available in both languages in Canada and abroad despite some weaknesses. Outside Canada, however, the Department must clearly identify demand and establish minimal standards of bilingual capacity for each of its missions even though most of them now have the capacity to provide service in English and French to varying degrees. On the other hand, one-third of the locally engaged employees dealing directly with the public in reception positions have insufficient knowledge of both official languages. The Department offers a language training program to compensate for this weakness and has taken some steps in missions where such employees are unable to serve the public adequately in both languages.

In 1989 the bilingual capacity of rotational secretaries was 59.1%. It has now dropped to 56%. In view of the impact that this employee group has on the language used in numerous divisions and missions we encourage the Department to intensify its efforts to provide language training. This situation has remained unchanged for some years and we note that among the measures adopted during the 1990 departmental review priority will be given to these employees.

Participants at senior management committee meetings may use the language of their choice although most of the documents prepared and submitted to the committee by employees are usually in English. On the other hand, the percentage of Francophones taking training courses in their own language has risen from 35% in 1987-88 to 64.1% in 1989-90. The Department has also distributed the Treasury Board Secretariat brochure on the use of the two languages in meetings. In supervisory positions only 80.5% of the 303 non-rotational supervisors meet the language requirements. While central and personnel services are generally available in both languages, the Administrative Personnel Assignments Division, responsible for serving rotational officers, still lacks the bilingual capacity to provide service of equal quality in both official languages. We encourage those responsible to re-examine this question. To create a climate more conducive to the use of French the Department must seek to implement as soon as possible some of the recommendations formulated by this Office in 1985; they have been followed up only partially. More specifically, the translation of some work instruments is still far behind schedule although the Department has committed itself to correct this situation.

Participation rates among Anglophones and Francophones are roughly the same as in 1989: 70% and 30% respectively among a staff of 4,416. In our view, this is

equitable given the Department's mandate, location of its offices and clientele. However, sectoral imbalances continue to exist. Francophone participation is low in the Management (20.9%), Scientific and Professional (11.3%) and Technical (15.9%) categories. Anglophone participation in Administrative Support is also low, accounting for only 63.6% of the 1,688 employees.

Although the official languages program is not sufficiently integrated into daily operations and does not have the necessary visibility, the recent departmental review addresses these questions and we will follow with interest the Department's implementation of proposed initiatives. A director of official languages was appointed in the summer of 1990, after the position had been vacant for several months.

In 1990 we investigated 19 complaints against the Department compared to 34 last year. Of the 12 complaints concerning language of service seven were about telephone communications in Canada and overseas. Six others concerned language of work matters, including one on the presentation to departmental managers of a unilingual English video cassette of the Corporate Review. Corrective measures were promptly taken.

Federal Business Development Bank

Although progress has been made at the Federal Business Development Bank with regard to service to the public certain problems persisted in 1990 and French still does not enjoy its rightful place as a language of work at the Bank. In addition, staff cutbacks have perpetuated or accentuated some imbalances in Francophone participation. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

For the purpose of service to the public the Bank recognizes 25 of its 78 branches as offices having significant demand. In light of the draft regulations on service to the public the status of others deserves to be re-examined, including those in provincial capitals that do not yet have bilingual branches, such as Halifax, Quebec City and Edmonton. Despite representations we have made for some years the Bank has not yet undertaken a review of its network, citing the absence of regulations on significant demand. Nevertheless, it has reviewed the services provided by its Charlottetown branch in order to establish contacts with the Francophone community. During the year the Bank installed some 400 signs to facilitate access to services at branches where it recognizes significant demand.

Although progress has been made in the language of work field some shortcomings persist, with the result that French still does not enjoy its rightful place at headquarters and in some branches in designated regions. For example, although

French is used more than previously at management meetings an obstacle to internal communications in both languages lies in the fact that only 13 of the 20 vice-presidents are bilingual. In addition, the number of supervisors who meet the language requirements of their positions is still inadequate (59.4%).

The Bank provided language training to unilingual supervisors in bilingual positions at its significant demand branches and to unilingual employees in central services. It offered the same opportunity to headquarters staff and at four bilingual regional offices. In 1990, 304 employees (27.3% of staff) attended language courses, 92 in English and 212 in French.

A special financial contribution by Treasury Board was used to advance the bilingualization of certain automated systems in 1990. English and French software was acquired for the general ledger system. The translation of standards and operations manuals for various systems is continuing and work on the legal services system has been completed. The development timetables, however, have been modified due to changes in the Bank's priorities. For example, a project concerning the payroll system user guide has been cancelled, and other similar projects have been postponed.

Of the Bank's 1,112 employees 749 are Anglophone (67.4%) and 363 are Francophone (32.6%). Given the organization's mandate, clientele and location of its offices, with headquarters in Montreal, Francophone participation could be increased. It should be noted, however, that despite a reduction of 136 employees during its fiscal year there was a slight increase in the proportion of Francophones in each of the four employment categories. The number of French-speaking managers increased from 7 to 10 (10 of 21, or 47.6%, as compared to 7 of 18, or 38.9% in 1989). There was also an increase of five supervisors (112 of 351, or 31.9%, as compared to 30.4% in 1989). There are no Francophone employees in British Columbia, Alberta, Saskatchewan, Prince Edward Island, Newfoundland or in the Northwest Territories. As was the case last year, we noted an imbalance at headquarters in Montreal, where the 23 Francophones constitute only 38.3% of the 60 members of the Administrative Support category.

In 1990 we investigated 15 founded complaints compared to 21 in 1989. Thirteen concerned the use of the minority press. They revealed shortcomings in the Bank's policy as it relates to branches whose linguistic status is open to question. The other complaints concerned telephone communications and the quality of language in a news release. The Bank's co-operation has generally been good.

Finance

The Department of Finance is generally able to meet its responsibilities to serve the public in both languages but in 1990 it made one significant error in the area of communications. Improvements are still required to correct certain

weaknesses in language of work and participation of both official language groups in certain occupational categories, mainly the Management category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not had all the expected impact since its promulgation in 1988.

In 1990 the Department continued to offer quality services to the public in both official languages. In general, telephone reception services are bilingual, publications are available in both languages and correspondence is sent to clients in the language of their choice. However, there was one serious linguistic error for publications on the Goods and Services Tax. Contrary to the requirements of the Act they were distributed in only one language from the Department's headquarters in several communities. This led to more than 40 complaints against the Department.

A linguistic audit conducted in 1989 by Department of Supply and Services consultants confirmed that, as we reported last year, French does not have its rightful place as a language of work in the Department. Among other things, the executive committee operates in French only 15% of the time and many internal meetings are held in English only. Although the Department intends to upgrade the language requirements of executives by June, 1991, at present 19.1% (43 of 225) of supervisors in bilingual positions do not meet the language requirements. Also, at the time of the 1989 audit many computerized work instruments were available in English only. Senior management has expressed its commitment to corrective action on the language of work front and has begun to implement the FINNET system, a personal computer network intended for all employees which has been developed in both official languages. We look forward to similar progress in other language of work areas.

In 1990, excluding the Administration Branch which serves this Department as well as the Treasury Board Secretariat and the Office of the Comptroller General, Anglophone and Francophone participation was 73.6% and 26.4% respectively. We consider this to be equitable given the organization's mandate, its clientele and the location of its offices. However, there are still imbalances. Francophones occupy only 10.3% of positions in the Management category, which is an improvement over last year but still too low in view of this Department's role as a central agency. Anglophone participation in the Administrative Support category (45.1%) continued to decline.

In 1990 the Department began to modify its official languages management methods. It produced a corporate plan which should yield good results in the future. However, a number of problems remain. For example, there are still too many "either-or" positions (15.4% of all positions) and on occasion, the Official Languages Information System data still did not correspond to departmental data and a number of priority measures, such as the language of work survey, were postponed.

We received 47 complaints against the Department in 1990 compared to two the previous year. One concerned an advertising document on the sale of Canada Savings Bonds; all the other 46 related to shortcomings in the information campaign for the GST.

Fisheries and Oceans

In 1990 Fisheries and Oceans continued to make a good showing in official languages, particularly in service to the public. However, French does not yet fully occupy its rightful place as a language of work. The participation of the two official language communities is the same as last year and remains acceptable. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

As in the past, the Department serves the public in both official languages and continues to ensure that notices, forms and publications of general interest are available in English and French. Scientific and technical research works published in one language contain a summary in the other official language.

In the Gulf region, the Department has established a telephone network to answer inquiries from the minority language community. However, in Nova Scotia, where the Department has many contacts with the public, a few complaints about the unavailability of services in French leads us to believe that more vigilance is needed.

French does not yet fully occupy its rightful place as a language of work. At the senior management level French is seldom used during meetings. Although 80.9% of supervisors meet the language requirements of their positions the intermediate level of language proficiency required is not sufficient for supervision in designated regions. All work instruments are bilingual and most users of computerized systems can choose either official language.

Overall, the percentage of Francophone employees at Fisheries and Oceans remained the same (17.2%) in 1990; Anglophone and Francophone participation is equitable given the Department's mandate, clientele served and location of its offices. Francophone participation in the Scientific and Professional and Management categories (11.2% and 19.9%) still remains low.

We received 12 founded complaints about Fisheries and Oceans in 1990, the same as in 1989. Most dealt with service to the public, including three regarding telephone service and four about service in person or by mail; three others concerned bulletin boards and public notices. We received only two complaints about language of work. The Department co-operated well in resolving these complaints.

Forestry

Forestry Canada, which until last year was part of Agriculture Canada, is being evaluated for the first time as a separate department. Generally, it provides services to the public in both official languages. However, French does not enjoy its rightful place as a language of work and certain sectoral and regional imbalances exist in terms of equitable participation of the two language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact in 1990.

While direct service to the public is limited, Forestry Canada ensures that it provides such service in both languages. Signage, general interest publications as well as guided tours of its two national institutes in Sault Ste. Marie and Petawawa are in both official languages. The Department has also taken measures to rectify certain shortcomings in displays and distribution of documents in French in Edmonton.

French still remains under-utilized as a language of work. While both official languages are used at general meetings with employees, senior management committees and meetings that include representatives from the regions, use of French in the workplace is greatly hampered by the fact that in certain key categories many supervisors do not meet the language requirements of their positions. For instance, in the Scientific and Professional category, only 71% of supervisors meet the language requirements and in the Technical category only 60% do. Manuals, directives, circulars and most other work documents are generally available in both languages, as are training courses. Although employees are encouraged to write their reports and other documents in the language of their choice, English is the language used in the preparation of documents of a scientific nature. Personnel and central services are available to employees in both official languages in prescribed areas.

Francophone participation in the Department stands at 21.6% (279 employees of 1,294). In view of the mandate of the organization, the clientele served and the location of its offices, Francophone participation is low in eastern and northern Ontario (2.1% or 5 employees of 242) and New Brunswick (10.9% or 17 out of 156). There are no Francophones among the 98 employees in Saskatchewan, Manitoba, Nova Scotia, Prince Edward Island and Newfoundland. Francophone participation is also low in the Scientific and Professional (14.8%), Technical (13.4%) and Operational (17.5%) categories. Anglophone participation is at a low 3.4% (5 out of 148) in Quebec. Anglophone participation is also low at head office in the National Capital Region, in the Administrative and Foreign Service (47% of 98 employees) and Administrative Support (30.5% of 59 employees) categories.

Official languages management is in its early stages in this Department, the focus being on specific topics such as language training, language requirements

of positions, performance assessments, etc. Official languages program objectives have yet to be integrated into the Department's operational planning process.

Five founded complaints against the Department were received in 1990. One pointed out the lack of active offer in French in Edmonton, another concerned a competition notice and three dealt with the minority press. The Department cooperated fully in processing these files.

Health and Welfare

Given the numerous contacts it has with the public, Health and Welfare Canada performs well in meeting its linguistic responsibilities with respect to service to the public. Although some progress has been achieved, French still does not enjoy its rightful place as a language of work, and while the overall participation rate of Anglophones and Francophones is equitable, some sectoral and regional imbalances still exist. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

The Department provides service to the public in both official languages. It has identified offices located in regions of significant demand and has installed signs indicating the availability of bilingual service. Telephone calls are answered in both languages, correspondence is sent out in the language of the client and all publications are bilingual.

The Income Security Branch has determined the preferred language of each client and maintains regular contacts with official language minorities. The Toronto and Montreal offices of this Branch handle some 5,000 calls a day from the public in both languages. The main Toronto Income Security Programs office has some 60 employees whose basic function is to help clients in Metro Toronto and Oshawa either in person or over the telephone. Because the office handles thousands of calls daily a special line was installed for Francophone clients. This system works well.

The Medical Services Branch provides services mainly to native people and to public servants. This Branch faces the problem of providing bilingual services in isolated communities.

Although some language of work difficulties remain the Department has taken a number of initiatives to help give French its rightful place in the workplace. Meetings of the executive committee and those of most branches are held in both languages. Managers have been reminded of their obligations and senior managers are evaluated on their capacity to provide supervision in both languages. There are still problems in the Scientific and Professional category, where some

22% of incumbents of supervisory positions (54 of 246) do not meet the language requirements. Virtually all work documents are in both languages and central and personnel services are available in the employees' preferred language. While matters have improved somewhat, communications between headquarters and the Quebec Region are not always in French.

Given the Department's mandate, its clientele and the location of its offices, the overall participation rate of Anglophones and Francophones is equitable at 76% and 24%. Some regional and sectoral imbalances remain. Francophones account for only 16% of employees in the Management category and the Anglophone participation rate (4%) is low in Quebec.

A total of 31 founded complaints were received against Health and Welfare Canada in 1990 (53 in 1989). Fourteen were against Fitness and Amateur Sport, all dealing with the services provided by the various sports bodies or in conjunction with national sports encounters. The remainder dealt with oral and written communication with the public. The Department's handling of complaints was invariably prompt and thorough.

Industry, Science and Technology*

In 1990 Industry, Science and Technology Canada adequately fulfilled its responsibilities in providing service to the public in both official languages. However, French as a language of work does not enjoy its rightful place at headquarters and in the Quebec region. Participation is equitable overall but sectoral and regional imbalances continue to exist. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not yet had entirely the expected impact since its promulgation in 1988.

This year the Department took new steps to ensure the active offer and effective provision of bilingual services. It already has 23 offices listed in the Treasury Board directory "Serving you in both official languages". However, there are weaknesses in some offices. In Sudbury, for instance, although reception services are provided in both languages and nearly 40% of contacts are made in French the distribution of officers is such that most services are provided and agreements made in English. Conversely, telephone reception services in Sherbrooke are in French only even though a significant proportion of regular business is conducted in English and a number of agreements are signed in that language.

The Department's Saskatoon office has no trouble handling collect telephone calls in French from the Northwest Territories. The results of a similar arrangement in Toronto for Francophones outside Ottawa, Sudbury and Toronto have been less impressive. The Department answers correspondence in the appropri-

ate language and its general publications are bilingual. One noteworthy initiative consisted in contacting about 25 minority language associations and sending them a directory of departmental programs and services. Several organizations have already responded positively to this initiative and meetings are planned.

With respect to language of work, the internal audit conducted by the Department and our follow-up interviews have shown that, although there are frequent discussions in French concerning regional development at management committee meetings, most other meetings at headquarters are conducted in English. Manuals produced for Department-wide distribution appear in both official languages. Several work tools prepared by Regional Development (Quebec), a relatively autonomous component of the Department, are available in both languages. Conversely, most of the tools used by the Federal Economic Development Initiative in Northern Ontario (FEDNOR) Secretariat are still in English only, even though they are destined for a bilingual region. The Department has not yet defined its regularly and widely used automated systems for the processing and communication of data; this weakness is an obstacle to implementation of the Act and the Department will be unable to comply fully by January 1st, 1991, with the requirements set out in the Act. However, it has engaged a firm of consultants to conduct a study of language needs in the informatics sector; the results of this study are expected to be released by March 1991. Various verbal reminders, memorandums and information circulars encourage the use of the minority language at headquarters and in the Quebec Region. Only a few of the Department's sectors, however, constitute a work environment conducive to the effective use of both official languages and there remains considerable room for improvement overall.

Anglophone and Francophone participation merits continued attention. The Department has 110 fewer employees than last year (2,122 in all). Of these, 1,362 (64.2%) are Anglophones and 760 (35.8%) Francophones. The Department has no Francophone employees in British Columbia, the North or Prince Edward Island. Only one of 14 employees (7.1%) in northern and eastern Ontario is a Francophone, despite a staff increase in these regions. Francophone participation has also declined in the Management category; 48 of 235 managers are Francophones (20.4%, down from 21.6% in 1989). The low Anglophone participation rate in the Administrative Support category is again noteworthy this year, having slipped to 52.2% from 53.8% in 1989. Anglophone participation remains inadequate in Quebec (18 of 263 employees, or 6.8%) and a shortfall also exists in New Brunswick (16 of 37 employees, or 43.2%). In general, considering the Department's mandate and clientele as well as the distribution of its offices, it has a near-equitable overall participation rate, much as it did in 1989.

The Department invested much time and effort in the management of its language program. Following a review of the linguistic situation with managers it developed a new official languages plan which includes performance indicators

and deadlines, as well as periodic updates. The Department also started negotiating an official languages letter of understanding with Treasury Board, the signing of which should take place by March 1991.

We received three founded complaints in 1990. The first concerned an English-only circular letter issued by the Winnipeg office about the InvestTech program. The other two dealt with lettering on posters that was larger in English than in French. In 1989 we had received five complaints about telephone reception service and use of the media. The Department continues to co-operate well in settling complaints.

Justice

On the whole the Department of Justice maintained a relatively solid official languages program in 1990. Its limited dealings with members of the public are for the most part conducted in their preferred official language. The Department serves other federal institutions in both languages, and the work environment at Justice is generally conducive to the use of both languages. The participation rate of Anglophones is low and the Department should strive to correct imbalances still present in certain occupational categories and regions. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

The Department has limited contact with the public, since federal institutions are its main clientele. Nonetheless, on the whole it provides service to the public in both languages at its central office and at its nine regional offices. Calls can be routed via the regional office directly to officials at departmental headquarters in Ottawa, if required. We received two complaints related to the difficulty in obtaining telephone service in French at the Winnipeg Regional Office. The Department is taking steps to correct this situation.

The language of work situation within the Department is healthy. English and French enjoy equality of status in senior management committees; members speak in their preferred official language and agendas, minutes and other related documents are in both languages. However, the bilingual capacity of supervisors needs to be improved. Only 77.5% (134 of 173) of supervisors in bilingual positions meet the required level of their positions, down from 78.7% (144 of 183) in 1989.

Under Section 37 of the Act the Department is obliged to respect the language of work preferences of the federal institutions to which it provides legal services. In 1990 the Department achieved its goal of a minimum 30% bilingual capacity amongst legal advisers in each of its 40 legal services units and can therefore ensure that these services are available in both languages.

The participation of the two language groups in the Department has remained virtually unchanged since last year. Of its 1,712 employees, 66.5% are Anglophones (a 1% increase from 1989) and 33.5% are Francophones. Given the Department's mandate, its clientele and the location of its offices, the participation rate of Anglophones is low. Certain occupational categories and regions show some persistent weaknesses. For example, Anglophone participation in the Administrative Support category is low in the National Capital Region (46%) and non-existent in Quebec, where Anglophones occupy none of the 36 positions. The participation of Anglophones in all occupational categories in Quebec has dropped from 5% in 1989 to 3.4% in 1990. Although the Department has identified the need to recruit Anglophone legal advisers for the Quebec region, an effective strategy will have to be developed. The participation of both Anglophones and Francophones in the legal adviser group is acceptable overall: 70% of legal advisers (639 of 913) are Anglophone and 30% (274 of 913) are Francophone.

The official languages program benefits from a relatively high profile within the Department. The Official Languages Committee, which monitors program implementation, is chaired by an assistant deputy minister. The Department's letter of understanding with the Treasury Board was signed in January 1990 and distributed to all departmental managers who are accountable for achieving official languages objectives.

We received seven complaints in 1990, up from five in 1989. The Department has shown prompt co-operation in the investigation of these complaints.

Marine Atlantic

Through continued efforts to translate its 1989 official languages policy into action, Marine Atlantic is gradually improving its services to the travelling public. English is still the language of work in the Corporation, a situation that will only change through an increase in the bilingual capacity of managers. The participation of Francophones remains low, although initiatives in 1990 to deal with this weakness have met with some success. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Marine Atlantic has maintained a slow but steady rate of progress towards offering its full range of services to the public in both official languages. The Corporation's publications, signage, notices, and advertising are in English and French and bilingual employees wear lapel pins indicating their ability to provide service in the customer's preferred language. Although only 5.4% of employees have a knowledge of both languages, Marine Atlantic has taken steps in 1990 to improve on this minimal capacity: 31.4% of 1990 recruits were bilingual. The

video the Corporation is producing to instruct employees on the concept of active offer of services in both languages is a commendable initiative. Also worthy of note is Marine Atlantic's ongoing Public Awareness Program, which provides information on the location and availability of bilingual services.

However, the institution still needs to overcome persistent difficulties in ensuring that customers are able to use their chosen language at ticket counters, particularly in Cape Tormentine and Digby, as shown by the eight complaints we received in 1990. Moreover, although the Corporation's agreements with concessionaires contain a language clause, a survey we conducted in the summer of 1990 revealed that the public is not greeted in both languages nor is subsequent service consistently available in French at such installations at the Cape Tormentine and Borden terminals, and aboard the Princess of Acadia. This situation should be rectified without delay.

It is not surprising that, given the lack of bilingual employees, the day-to-day work of the Corporation is conducted in English. Meetings of the executive management committee and its agendas and minutes are exclusively in English. In addition, some central and personnel services are not yet available in French. Marine Atlantic is aware of the importance of encouraging the use of both languages in the workplace, and has provided second-language training for staff. Work instruments are being translated and notices to employees are issued in both English and French.

Real progress in achieving a satisfactory language of work environment will only be made when there is a better balance between the two language groups. In 1990 only 4.4% of the 2,936 employees were Francophones; this is low given the location of the institution's operations, its mandate and the clientele it serves. Nevertheless, this level represents a slight increase over the 4.1% of positions occupied by Francophones in 1989. Marine Atlantic's efforts to correct the imbalance have shown some positive results: 12.4% of employees hired in 1990 were Francophones. However, their participation in New Brunswick is virtually unchanged since last year (15%).

The administration of the official languages program in Marine Atlantic has been particularly dynamic recently in seeking to respond to the requirements of the 1988 Act. Official languages has been included in the Corporation's policy manual and managers and employees are informed of their rights and obligations through presentations, bulletins and an article in the company periodical. Pursuant to the letter of understanding being drawn up with the Treasury Board, Marine Atlantic managers will be held accountable for implementing official languages objectives. We hope this momentum will continue, as much remains to be done before the Corporation achieves its goals.

In 1990 we received 12 founded complaints against Marine Atlantic, one more than in 1989. Eight were about the lack of service in French at ticket counters,

two concerned telephone service, one involved media communications, and one dealt with service in the cafeteria on one of the Corporation's ferries. Marine Atlantic has been co-operative in the investigation of these complaints.

Medical Research Council

Our audit follow-up report, issued this year, indicated steady improvement in the state of official languages at the Medical Research Council Secretariat. The Council has only one office, in Ottawa, and as a rule it offers its services actively and provides them adequately in both languages. With respect to language of work, French is beginning to enjoy its rightful place as bilingual supervision improved over 1989. Furthermore, the low Anglophone participation rate previously noted is well on the way to being remedied. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

Two factors ensure that the Council meets the requirements of the Act with respect to service to the public: the Secretariat's good bilingual capacity (84.6% of employees in bilingual positions meet or exceed the language requirements of their positions) and active offer of service in both languages (the Treasury Board symbol indicating bilingual service is displayed, signage is bilingual, and telephone reception and service are in both official languages at all telephone numbers likely to be called by clients and the public). There is a revision service and quality control for correspondence and publications are all bilingual and distributed simultaneously in both official languages.

The 19 recommendations contained in our 1987 audit report have all been fully or partially implemented. Implementation of the recommendations concerning the capability in both languages of members of peer review committees and of external referees is well under way.

In terms of language of work the Secretariat's management committee functions in both languages and there has been an improvement since last year in supervision. In 1990, 14 of 17 supervisory positions were bilingual and 12 of the 14 incumbents of these positions met the requirements, compared to 10 last year. Performance evaluations are in the employees' preferred official language. Most work instruments are bilingual and there is a strong bilingual capacity in all central and personnel services. There has been some slippage in the preparation of user manuals in French for the Council's several computer-based systems; costs, frequent changes and more limited resources are the main causes cited for failure to comply fully with the Act in this area. Overall, the environment is more and more conducive to the use of both languages; employees can carry on their internal work and related discussions more easily in either official language.

While overall Anglophone participation is slightly low at 63.8%, given the mandate of the organization, its clientele and the location of its office it has increased

significantly over 1989 (55.2%). In the Administrative Support category the participation of Anglophones has increased to an equitable 65.7%, up from 48% in 1989.

Administration of the official languages program is less formal than in larger organizations, but all the requirements have been met. However, the Council's official languages policy and the existing employee brochure based on it should be revised in light of the 1988 Official Languages Act.

We received no complaints against the Medical Research Council in 1990. Overall, the efforts made by the Council are commendable.

National Capital Commission

There can be no doubt that the National Capital Commission has made a major contribution to imparting a vibrant and bilingual image to Canada's capital. Henceforth, the NCC should intensify its internal efforts to give French its rightful place as a language of work and to improve the participation rate of Anglophones. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

From the Gatineau Park to the banks of the Rideau Canal the NCC conveys a bilingual image. Nearly one in two employees is bilingual (407 out of 845) and posters, publications and services are actively offered in both languages. In response to our repeated requests in recent years the NCC has made sustained efforts to obtain bilingual services from third parties under contract. Their contracts contain a bilingualism clause and their linguistic capacity and performance are audited. These measures are bearing fruit; we have noted a marked decline in the number of complaints against contractors — there was just one in 1990. Service to the public has always been an NCC strength and it continues to perform well in this area.

Increasing the use of French at work, however, constitutes a major challenge for the Commission. While its work instruments are virtually all bilingual and its executive committee meetings can be held in both languages, the low percentage of bilingual supervisors is a major obstacle to the use of French in the workplace. The percentage of bilingual supervisors has plunged in the past three years: from 75% in 1988 to 66% in 1989 and to 62.5% in 1990. Thus, despite the fact that central and personnel services are for the most part available in both languages, it is understandable that French does not enjoy its rightful place in day-to-day operations such as meetings. In addition, by year's end the NCC had still not identified what regularly used automated systems it had to make available in both languages by January 1, 1991, as required by Section 36(1)(b) of the Act.

Emerging from its long reorganization, the NCC lost a large number of its Anglophone employees. While Anglophones accounted for 54.2% of its staff in

1988 they represented only 48.4% at the end of 1990. Considering its mandate, the public it serves and the location of its offices, the rate of Anglophone participation is low throughout the organization and serious efforts will be required in this time of limited recruitment to correct the situation.

We received only five founded complaints against the National Capital Commission in 1990 compared to 15 in 1989. Four concerned service to the public, the other related to language of work. The NCC offered a fair degree of co-operation in settling those complaints.

National Defence

The Department of National Defence achieved some progress in serving the public in 1990, although the systemic problems we have reported in previous years still persist. We must again repeat that French has not as yet assumed its rightful place as a language of work in the Department and longstanding participation imbalances still persist. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

We believe that the Department is unduly limiting the scope of services to the public under Part IV of the Act by excluding family members of military personnel from its definition of "public served".

Once again this year there are serious problems with respect to the linguistic capacity of the Armed Forces and the Department to deliver services in both languages. Fully 58.2% of the incumbents of bilingual military positions, as well as 28.1% of the incumbents of civilian bilingual positions that offer service to the public, do not meet the language requirements of their positions. This is a long standing problem and we urge the Department to give it priority.

One of the most notable achievements in service to the public in 1990 was the Canadian Forces relations with the public during the military operations at Kahnasatake and Kanewake this past summer. Throughout this operation, military officers from the Chief of the Defence Staff, General de Chastelain, the Commander of the Mobile Command, Lieutenant-General Foster, and other officers involved in the operations, briefed the press and the public in both official languages. On the whole, with "Operation Salon", the Canadian Forces demonstrated that they were able to integrate official languages requirements in their operational priorities.

The National Defence Medical Centre in Ottawa has taken measures to enable it to treat serving members of the Canadian Armed Forces as well as its other patients in both official languages, which is commendable.

In terms of language of work, deliberations of the Defence Management Committee take place and are reported in the language of the intervenor and executive committee meetings are conducted in French 20% of the time. However, the availability to employees of supervision in the official language of their choice is limited. Only 43.8% of officers and 36.7% of non-commissioned members of the Canadian Armed Forces meet the language requirements of their positions. For civilians this figure is 70.9%. This greatly limits the use of French in the workplace.

Training is another area where systemic problems have resulted in French not being accorded its just place as a language of work. Departmental policy calls for initial training to be available in both official languages. Military occupational training courses at more advanced levels are only infrequently offered in French. Of the approximately 1,700 occupational courses offered, only 114 (7%) are available in both languages. This situation is worse than in 1989 when 136 courses were given in French. The shortage of instructors qualified to provide the required training in French is part of this problem.

In the Armed Forces the concept of English, French or bilingual language of work units still exists. However, the low percentage (about 20%) of adequately bilingual Anglophones within the bilingual units makes it virtually impossible for Francophones to work in their language in these units and also makes it difficult for French language units to function in their language when dealing with bilingual units. We strongly urge the Department to rectify this situation as soon as possible.

The Department again sponsored a successful French language book fair; it highlighted publications of a scientific, technical and military nature.

In view of the Department's mandate, its clientele and the location of its offices, overall military participation (72.8% Anglophone and 27.2% Francophone) tends to equitably reflect both language communities. There are, however, disparities in certain commands, occupations and management levels. Maritime Command has a Francophone participation rate of only 16.5%. Francophones account for only 21.7% of the General Officer staff. Francophone participation is still low in the ranks from major to colonel although we can report modest progress with participation at the level of lieutenant-colonel, increasing from 13.8% to 15.3% and colonels from 13.9% to 14.4%. Civilian participation with an overall Francophone rate of 20.5% is low and is largely due to the geographical location of installations. The greatest discrepancy is in the Management category, where only 14.4% of positions are occupied by Francophones.

The Auditor General of Canada commented on the delivery of the official languages program by the Department of National Defence. He had concerns regarding the bilingual officer corps, the language testing program and the timing of language training. It is our intention to monitor these issues closely in 1991.

The administration of the program is in a period of rationalization, with preparation of sectoral plans by various commands within the Armed Forces to integrate official languages goals and objectives in their operations. This is being carried out as part of the 15-year Master Implementation Plan mentioned in our last annual report.

We received 93 founded complaints in 1990 compared with 97 in 1989. Thirty-one concerned service to the public, 32 were related to various aspects of language of work and 30 related to program management pursuant to Section 91 of the Act. In 1990 we began or finished 20 formal on-site investigations, mainly involving language of work issues. These field investigations not only provided us with an opportunity to advance individual language rights, but also provided the impetus for systemic changes in the program. We received good co-operation from the Department in the investigation of these issues.

National Gallery

Since July 1, 1990, the National Gallery has been an independent Crown corporation. This has not prevented it from administering its official languages program well and improving its service to the public. However, it still needs to make improvements in language of work, especially in the technical services sector, to ensure that French has its rightful place. Anglophone participation is low in some job categories and Francophone participation is low in the Management category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

The National Gallery offers services actively in both official languages. It took steps in 1990 to correct problems in the previous year related to the provision of bilingual services by third parties. The percentage of bilingual guards has risen from 85% to 96% and a committee has been created in Educational Services to study various means of attracting Francophone clientele. Subtitles in the other language are now provided for all educational videos.

All employees now feel free to use their own language at senior management committee meetings. The minutes of these meetings are written in English and French on an alternating basis and agendas are prepared in English when the minutes of the previous meeting were in French and vice versa. Of the 46 incumbents of bilingual positions with supervisory duties only 32 (69.6%) meet the language requirements, a decrease of 13% from 1989. All employees receive central services in their language. On the other hand, French does not have its rightful place in the technical services sector. Museology courses in French are now provided in Montreal and this is an improvement over last year. Most computer systems are in conformity with the Act.

The participation of the two language groups is equitable in many categories. However, the National Gallery recognizes some situations that need to be addressed. Given its location, mandate and clientele, Anglophone participation is low in the Administrative and Foreign Service category (56.5%) and in the Administrative Support category (37.9%). Francophone participation is low in the Management category (16.7%).

Two positive features are that the administration of the official languages program is integrated with general program management and that the National Gallery's official languages policy was reviewed in light of the 1988 Act. The official languages program will be among the programs to be audited by its Internal Audit Division, created at the end of October. Managers' official languages responsibilities are taken into account in their performance appraisals.

Four founded complaints were brought to our attention this year, half as many as last year. The only one concerning language of service related to the presentation of videos and speeches in English only. The other three dealt with unilingual English memorandums sent to employees. The National Gallery has been co-operative in handling these complaints.

National Transportation Agency

In 1990 the National Transportation Agency satisfactorily met its linguistic responsibilities regarding service to the public. It also resolved some difficulties it experienced last year with the publication of announcements. However, the work environment is not particularly conducive to the use of French, and Anglophone participation is low in the Administrative Support category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

In general, the Agency offers all its services in both languages. Signage and telephone services in its offices, as well as its publications, invite clients to use their preferred official language. Announcements on public hearings are published in the appropriate newspapers of both language communities in accordance with Section 11 of the Act and the hearings themselves are conducted in English and French. Adoption of a new media communications policy no doubt helped decrease to four the eight complaints lodged in this respect in 1989.

In the language of work area, a pamphlet on chairing bilingual meetings was distributed to all managers and the agendas and minutes of management committee meetings are circulated in both languages. However, an in-house study on language of work indicates that only 82% of managers and 87% of supervisors meet the language requirements of their positions. The Agency has therefore set itself the goal of revising the language profiles of some management and supervisory positions and of offering incumbents language training in the hope of overcom-

ing one obstacle to the use of French in the workplace. The Agency has adopted a new policy which, among other things, defines the types of work instruments that should be available in both languages.

Although participation by the two language groups is equitable in all but the Administrative Support category, Anglophones occupy only 57% of positions in the Agency as a whole. Considering its mandate, the public it serves and the fact that 88.6% of its staff are located in the National Capital Region, the Agency has developed a detailed action plan to redress this imbalance, particularly in the Administrative Support category, where Anglophones represent only 37% of employees. Francophones participation in the Management category grew from 14% to 24% between 1988 and 1990.

Four founded complaints concerning communications with the media were lodged against the Agency in 1990. The Agency has co-operated fully in efforts to find solutions to this issue.

Natural Sciences and Engineering Research Council*

As reported in past evaluations, the last of which appeared in 1984, the Natural Sciences and Engineering Research Council provides good service to the public, but a more concerted effort is required to create a more viable workplace for Francophones and imbalances exist in the participation of both Anglophones and Francophones. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

The Council's clientele, university professors and graduate students, are satisfied with the services they receive in both languages. Indeed, the Council performs very well when it comes to publications, documentation and signage. The Treasury Board active offer sign is displayed beside the name of each bilingual employee. However, there is room for improvement in telephone reception and efforts should be made to increase the bilingual capacity of peer review committees.

With respect to language of work, French still does not enjoy its rightful place. It is rarely used at senior management committee meetings, although, according to policy, minutes are recorded in the language spoken and the publications resulting from these meetings appear in both official languages. More than 50% of Francophones surveyed during a recent audit stated that they do not always receive supervision in French. And while they generally have access to work instruments in their first official language, French is seldom spoken at meetings. Computerized systems are not all available in both languages.

The overall participation rate for Anglophones and Francophones is 50% respectively. In view of the Council's mandate, its clientele and the location of its

offices, the Anglophone participation rate is too low, particularly in the Administrative and Foreign Service category at 60.8% (45 of 74) as well as in the Support category at 34.6% (28 of 81). However, the participation rate of 20% (3 of 15) for Francophones in the Management category is low.

The lack of an integrated official languages policy, and consequently of effective monitoring, is characteristic of the administration of the program. The Council still has a great deal of work to do to ensure that its official languages program is viable.

No founded complaints were lodged against the Council in 1990.

Office of the Comptroller General

The Office of the Comptroller General has no difficulty providing adequate bilingual services to the public. It has increased the use of French in interdepartmental meetings and workshops. While French still does not fully enjoy its rightful place as a language of work within the organization measures have been taken to increase its use. The overall participation rate of Anglophones and Francophones is generally equitable, but Anglophone participation is very low in the Administrative Support category. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

The Office's contact with the public is essentially limited to persons who have a professional or academic interest in government accounting methods and practices. As a general rule the Office provides bilingual reception services over the telephone and in person; this was confirmed by the Audit Services Group of the Department of Supply and Services in an audit in which we participated.

In 1990 vigorous measures were taken to increase the use of French in senior management committee meetings. However, we noted that the incumbents of bilingual positions in the Management category who do not meet the language requirements of their positions had increased to 34.8% (16 of 46) from 31.1% (14 of 45) in 1989. A similar increase was also noted with respect to supervisors (from 32.4% in 1989 to 35.9% in 1990). This has a negative impact on the use of French as a language of work. However, the Office has made significant progress towards ensuring that French is used at its well-attended meetings, symposiums and workshops on financial and program evaluation practices. For several years we found that this was not the case. In 1990, however, several measures were taken to improve matters, such as ensuring bilingual signage, reception and documentation, using bilingual slides at presentations and providing simultaneous translation. The Office is to be commended for ensuring that presentations by its own officers or by invited guests are made in both languages in equitable proportions.

The participation rate of Anglophones has decreased overall this year to 69.3% from 76.7% in 1989. In view of the Office's mandate, location and clientele, this is still generally acceptable. The Anglophone participation rate is very low in the Administrative Support category (36.8%) and Francophone participation is low in the Management category (18%). This is nevertheless an improvement from 1989's rate of 14.3%. We encourage the Office to continue its efforts to achieve an equitable participation of both groups at all levels.

There is strong support from senior management for the official languages program and the small management team responsible for its implementation has achieved generally good results. This level of commitment should lead to continued improvement.

No complaints were lodged against the Office of the Comptroller General in 1990.

Petro-Canada

In February the federal government announced legislation to privatize Petro-Canada; Bill C-84 was introduced in the House of Commons in October. The Commissioner told the legislative committee that he thinks the bill does not go far enough to ensure that the spirit and intent of the Official Languages Act are properly reflected, especially with regard to the public. In recent years as well as in 1990 Petro-Canada has tried to serve Canadians in both official languages. Much remains to be done in the areas of language of work and equitable participation, but the measures taken should lead to improvements. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

The head office in Calgary, regional offices in Montreal, Toronto and Calgary and three offices in Ottawa can communicate with the public in both official languages, and administrative offices handling accounts provide bilingual services. However, Petro-Canada does not carry out language testing of its employees. A survey showed that 17.5% of the employees consider themselves bilingual and another 6.6% claim some capability in both English and French; nearly all of these employees are in Quebec, Ontario and Alberta. In general, Petro-Canada has attempted to maintain previous improvements but progress is still required with respect to active offer and the actual provision of services in both languages.

French does not enjoy its rightful place as a language of work outside Quebec. Meetings at both the corporate and working levels are in English except in Quebec. Meetings involving employees from all regions have simultaneous interpretation available. Outside Quebec supervision is carried out in English. However, work instruments, personnel and central services and training courses

are available in both languages and the two employee publications are bilingual. A survey is under way of all information systems to determine the action required to meet the requirements of Section 36 of the Act on automated information systems. In the mean time communications with Quebec from head office in Calgary and other regions are in English only. An initiative in 1990 is noteworthy: in July, a national meeting took place on managers' obligations in language of work matters.

Petro-Canada has 6,099 employees. As in 1989 the rate of Francophone participation is 12.5%. In view of its mandate, the clientele it serves and the location of its offices, this is slightly low. Sectoral and regional imbalances still exist. Francophone participation is low at 9% in the Management and Professional categories. It is also low in Ontario (3.4%), and British Columbia (one person). Activities undertaken by the Corporation to bring the participation of Francophones in line with the requirements of the Act include university recruitment, personnel planning, inter-regional transfers, advertising in the minority press and support of the program "Diplôme d'études supérieures en gestion d'entreprises pétrolières", the only program of its kind in French, at l'École des Hautes études commerciales in Montreal.

There were 20 founded complaints concerning Petro-Canada in 1990 (23 in 1989). All dealt with service to the public. Nine were about promotional materials, seven concerned use of the minority media and four signage. Better control by the Corporation would have helped to prevent these problems. Co-operation by Petro-Canada staff in dealing with complaints was good.

Privy Council Office

The Privy Council Office is generally doing well in terms of language of service and French is increasingly used as a language of work. Overall Anglophone participation continues to be low, especially in the Administrative Support and Administrative and Foreign Service categories. Imbalances one way or the other are especially regrettable in central agencies, which are supposed to show a good example. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has not entirely had the expected impact since its promulgation in 1988.

The Privy Council Office offers services to its relatively limited public in both languages. All correspondence is in the language of recipients and telephone services are available in both languages. However, the institution recognizes that it must continue its efforts to increase the bilingual capability of its commissionaires; only 12 of the 28 are bilingual.

With respect to language of work, members of senior management feel free to use their preferred language at meetings. The Office has 85 bilingual supervisory

positions. Although practically all supervisors surpass the language requirements of their positions, 77.6% of these positions are at the intermediate level. The organization is currently reviewing the linguistic identification of these positions to give French its rightful place as a permanent language of work. Periodic controls are exercised to ensure that meetings take place in both official languages and that the language of internal correspondence is that of recipients. However, to date, not all computer systems are bilingual. Finally, the PCO respects its linguistic obligations to other federal institutions under Section 37 of the Act.

Given the mandate of the organization, the clientele it serves and the location of its offices, there are still too few Anglophone employees — 202 (53%). Their participation is particularly low in the Administrative and Foreign Service (47%) and the Administrative Support (45.5%) categories.

No founded complaints were lodged against the Privy Council Office in 1990.

Public Service Commission*

This year, as in 1989, the Public Service Commission has performed well in terms of service to the public and language of work. However, problems of equitable participation of both language groups persist. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

Generally speaking, the Commission continues to discharge its responsibilities effectively in service to the public. Shortcomings were noted this year in bilingual telephone reception and correspondence but the Commission was able to rectify these situations quite quickly.

With regard to competition notices, the Commission has adopted a new policy which provides that outside competition notices are to be published in both official languages regardless of the language requirements of the position. They must also be published simultaneously in English and French in the media that can best reach members of the official language minority of the area of competition concerned. We believe that the multimedia approach does not apply to competition notices. In our opinion, these notices fall under Section 11 of the Act, which stipulates that they shall be printed in publications widely distributed in each of the regions in question: the English version in at least one English-language publication and the French version in at least one mainly French-language publication. In 1990 we received 16 complaints on this matter; discussions are under way between our two organizations to resolve problems relating to this procedure.

French enjoys its rightful place as a language of work within the Commission. Management committee meetings are conducted in both languages and the vast

majority (90.5%) of supervisors meet the language requirements of their positions. Moreover, work instruments and central services are available in the language of the employee's choice. This year the Commission is increasing the number of courses in French which will be given in all regions of Canada. Lastly, not all computer systems are available in French.

With regard to equitable participation, given the Commission's mandate, location and clientele, Anglophone participation is, in our view, too low at 46.7%, even though this is an increase from last year. Imbalances one way or the other are particularly regrettable in central agencies, which are supposed to set a good example. It should be noted that this calculation excludes employees in the language training program, where Francophone participation is very high. At 33.7% Anglophone participation continues to be especially low in the Administrative Support category.

In 1990, 41 complaints were filed against the Commission compared to 38 in 1989. Twenty-seven concerned language of service and included such matters as the media and the minority press, correspondence and telephone reception. The remaining 14 complaints concerned language of work, especially such areas as training and work instruments. The Commission offered excellent co-operation in the handling of these complaints.

Public Works

We commend the Department of Public Works for its progress in improving service to the public and the services it renders to its clients in other departments and agencies in both official languages in 1990. Internally, however, French still does not enjoy its rightful place as a language of work. Furthermore, despite its efforts, the Department has failed to correct certain participation imbalances that have persisted for years. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

With regard to service to the public, the Department has continued to do well. It has kept close watch on the back-up mechanisms designed to compensate for shortcomings in its bilingual capacity and has stepped up its surveillance of security firms in an effort to ensure that they respect the language provisions in their service contracts. The number of complaints involving minority press issues dropped from 27 in 1989 to seven this year. This is due to the Department's active stance on the matter.

The Department still faces serious problems with its internal language of work program. The Senior Management Committee functions in both languages, but a continuing effort over the long term will be required to ensure that French enjoys

its rightful place as a language of work. Overall, 25.8% of supervisors do not meet the language requirements of their positions. At head office, and in other National Capital Region units, 21.4% of managers and officers in bilingual positions are unable to function adequately in both languages. The Department has taken noteworthy initiatives to overcome this problem, promoting the use of both languages in staff meetings, establishing linguistic reference centres, "twinning" employees to help them master each other's second language, developing glossaries of technical terms and acronyms, and creating a well-respected writing assistance service. These measures are laudable and deserve to be continued. There has also been progress in terms of its responsibilities to employees in other departments and agencies. We would like to highlight the district office in Saint John, New Brunswick, where service in both official languages has improved steadily since 1986.

The Department has achieved only marginal progress in redressing long-standing participation imbalances. In view of its mandate, the clientele served and the location of its offices, the overall participation rate for Anglophones (69.8%) is slightly low. Only 17.3% of staff in the Scientific and Professional category are Francophones, while in Quebec only 3.1% of employees are Anglophones. Efforts to correct these imbalances, such as special recruiting efforts at English-language universities and colleges in Quebec and French-language institutions elsewhere, have so far been unsuccessful. We encourage the Department to continue its efforts.

We would like to point out the dedication and practical professionalism of the Department's official languages program specialists at the corporate level and in its regional offices. Their record of success in negotiating the integration of official languages considerations at the policy and operational levels is excellent and can only lead to continued improvement.

In 1990 we investigated 30 complaints concerning the Department compared to 48 in 1989. They were about such matters as reception (in person and over the telephone), minority press, correspondence, staffing and language of work. We received good co-operation from the Department during the investigation of these complaints.

Revenue Canada (Customs and Excise)

Generally speaking, Revenue Canada (Customs and Excise) continued to provide an appropriate level of service to the public in both official languages in 1990. With respect to language of work, progress was made in increasing the use of French at headquarters. Participation of the two language groups in the Department has been equitable for several years. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

With some exceptions, the Department effectively fulfils its obligation to serve the public in both languages. There were some language-related problems in setting up the extensive Goods and Services Tax (GST) administration in 1990. The two major types of complaints received to date relate to documents sent to new clients in the wrong language and difficulties in answering requests for information made in the minority language on toll-free telephone lines, particularly in Halifax. We suggest that Customs and Excise make a greater effort in these areas.

A study we conducted in the summer of 1990 in New Brunswick, Quebec and Ontario indicated that customs officers show little inclination to offer service actively in both languages to the travelling public. Our officers received a bilingual verbal greeting on only seven occasions during their visits to 22 border crossings: at Edmundston, New Brunswick; Lansdowne (Thousand Islands), Ontario; and at Lacolle, Rock Island and Dorval Airport in Quebec. Service in the minority language was, however, available 71% of the time, in particular in Quebec, New Brunswick and eastern Ontario. Our investigators were unable to obtain service in the minority language four out of eight times in southern and western Ontario.

In our study we noted the effectiveness of the bilingual booth system at the Lansdowne border crossing in the Thousand Islands region of Ontario. We encourage the Department to expand this system to other crossings in Ontario as soon as possible, particularly at Sault Ste. Marie, the source of several complaints this year. The Department is experiencing many difficulties in acquiring a minimal bilingual capacity at the St. Stephen, New Brunswick border crossing.

In terms of language of work, the executive committee operates in both languages and employees required to make presentations to this committee may do so in either English or French. Customs and Excise has continued to work toward its objective of raising the bilingual capacity of supervisors and managers, thereby enabling more employees to work in their preferred official language. However, while 17 of the 19 supervisors in bilingual positions in New Brunswick meet the language requirements, only 77.8% of those in the National Capital Region satisfy these criteria.

Overall participation of the two language groups is generally good in Customs and Excise and in the various employment categories, given the mandate, office locations and clientele of the Department. Francophones occupy 25.4% of positions (2,839 of 11,177), 1.6% less than in 1989.

As in the past, the majority of the 90 complaints about the Department in 1990 concerned service to the travelling public. The increase in the number of complaints (39 in 1989) is in part attributable to the establishment of the GST administration. The Department has shown good co-operation in the investigation of these complaints.

Revenue Canada (Taxation)*

In 1990 the Department of National Revenue (Taxation) continued to improve its linguistic performance and is striving to comply as fully as possible with the spirit and the letter of the Official Languages Act. Results were particularly noticeable in its service to the public and in activities to ensure that French has its rightful place in the work environment. On the whole, participation of the two language groups remained equitable. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Act has had a noticeable impact since its promulgation in 1988.

The box added to the 1989 T1 Income Tax Return Form, in which individuals signing the return can indicate their preferred official language, has been very useful in determining the language of subsequent correspondence. In 1990 five complaints in this regard (still under investigation) were brought to our attention compared to 23 the previous year. In sectors providing service to the public the Department extended active offer of service in both official languages by telephone, in person and on signage. The Pender Street office in Vancouver, for instance, provides exemplary offer of service when greeting clients and through posted exterior and interior signage. In Sudbury the procedure for handling telephone calls in French was modified to better meet the needs of the region's Francophones. The videocassette "Good morning ... Bonjour" developed by Treasury Board was shown to all employees assigned to telephone duties.

In general, the Department's bilingual capability improved in 1990. The Toronto offices now have 12 bilingual auditors and the Edmonton and Vancouver offices have two and three respectively. To be more in tune with its clients' linguistic needs the Department promoted contact with various minority associations in all parts of the country and made general use of their newspapers. To correct certain deficiencies in its use of the minority official language press the Department prepared a policy paper for incorporation into the Taxation Operations Manual.

In 1990 the Department undertook a variety of activities designed to improve the status of French as a language of work. The Department prepared and distributed to employees a pamphlet summarizing various aspects of its official languages policy. Meetings of senior management committees were conducted in English and French and this was reflected in the minutes. The Deputy Minister sent the Treasury Board kit on the chairing of meetings to senior managers and requested that it be used in all bilingual offices. There was further improvement in the language capability of supervisors in 1990: 89.5% of those occupying bilingual positions meet the requirements compared to 87.2% last year. Although supervisors are normally required to have an intermediate level of language proficiency *the language requirements of several positions have already been raised to the* superior level. A recent review by headquarters of the language identification of positions will help determine whether employees' requirements for supervision in both languages are being adequately met by the existing levels. To establish a

more favourable environment for the use of both languages the Department implemented a language training follow-up program, to which it assigned resource persons at headquarters and in the regions. In the letter of understanding to be signed with Treasury Board the Department has included measures to ensure that the provisions of the Act with respect to computerization will be observed.

Considering the Department's mandate, clientele and location of its offices, participation of the two language groups continues to be satisfactory, with Anglophones occupying 72.3% of its 18,864 positions and Francophones 27.7%. In spite of an increase of 1% in the past year Anglophone participation in the Administrative Support category remains too low at 67.1%. In Quebec the Anglophone participation rate is still low at 4.8%

The official languages program is managed by a dynamic team which ensures its implementation in the Department's daily operations. Managers are well informed of their obligations and their appraisals include an assessment of their official languages performance.

In 1990 we investigated 52 complaints compared to 63 in 1989. All complaints except two concerned language of service. The Department continued to deal with these matters quickly and effectively.

Royal Canadian Mounted Police

In 1990 we saw very little change in the RCMP's performance in meeting the requirements of the Official Languages Act concerning service to the public, and language of work difficulties noted in 1989 remain largely unresolved. While the RCMP is fast approaching an equitable participation of Anglophones and Francophones, participation weaknesses in specific sectors have not yet been dealt with. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Act has had little impact since its promulgation in 1988.

The RCMP has shown only marginal improvement in 1990 in serving the public in its preferred official language. It is evident from complaints we received that the link between the initial offer and subsequent provision of bilingual service must be strengthened. While this problem has been tackled to a certain extent by the issuance to RCMP members of cards designed to instruct the public on how to obtain service in their chosen language, further initiatives of this nature would be helpful. On the positive side, a 1990 survey revealed that the RCMP was able to provide service to the travelling public in either official language in selected airports.

In 1990, 4,254 out of 15,334 regular members (27.7%) were identified by the RCMP as bilingual, but only 73% of these members have undergone tests show-

ing they currently possess the required skills. This is a slight increase over 1989, but the RCMP continues to move slowly in gauging members' second-language proficiency. There were 3,328 public servants in the Force in 1990, 23.7% of whom occupied bilingual positions. The 82.4% of these who meet the language requirements represent an increase of 3% over 1989.

The language of work situation in the RCMP has not changed. Senior management meetings are conducted in either official language. However, directorate and section meetings conducted at Headquarters are in English unless the chair is bilingual.

Of the Force's 1,115 supervisory positions in bilingual regions, 71% are bilingual. Once again, only 56% of the incumbents of these positions have demonstrated that they meet the language requirements. The RCMP expects to rectify this weakness simply by encouraging supervisors to undergo language tests and additional language training, but more convincing measures are required before members' language of work rights can be fully respected.

We have received a series of complaints on the problem of unilingual English CIPC messages issued from the New Brunswick Comcentre. The RCMP has studied the situation, and feels it can be corrected in early 1991; failure to do so could jeopardize the safety of RCMP members. Furthermore, internal RCMP correspondence is occasionally sent to Quebec in English. This obviously shows that French still does not enjoy its rightful place as a language of work in the Force.

Of the 15,334 RCMP regular members in 1990, 18.2% are Francophones, as in 1989. The Force continued its efforts to recruit members from both language groups: 25% of new members in 1990 are Francophones. The Force is thus making consistent progress towards meeting its goal of 20.8% Francophone members, a balanced proportion in view of its mandate, the public served and the location of over two-thirds of its members in western Canada. There are some anomalies in the regions. In New Brunswick the participation rate of Anglophone members is a low 50%. Again in 1990 in the National Capital Region's "A" Division, Anglophones occupy only 31% of the 706 positions. In hierarchical terms Francophone participation is low at the staff sergeant level (12.7% of 833); just 15% of sergeants and corporals are Francophones.

Of the 3,328 public servants in the Force, an equitable 79.5% are Anglophones and 20.5% are Francophones. In the National Capital Region, Anglophone participation is too low at 60.5% of the Force's 1,107 civilians.

The day-to-day administration of the RCMP's official languages program was greatly influenced in 1990 by its other operational priorities. As a result the Force was slow to resolve complaints. We were pleased to note that two studies

on particular problem areas were conducted by the RCMP during 1990. One was carried out as part of the Force's requirement to review the effectiveness of the Unit Bilingual Complement system under its letter of understanding with the Treasury Board and included an analysis of the application of this system to supervision in bilingual regions. The other study examined the nature of communications with internal and external contacts in Quebec. We will follow up on the results of these two studies with the RCMP.

Forty-eight complaints were lodged against the RCMP in 1990 (46 in 1989). Nineteen involved service to the public, 17 were related to the language of work, and 12 concerned the linguistic designations of positions.

Secretary of State*

Because of the high level of bilingualism among its employees, the official languages program of the Department of the Secretary of State is very effective in terms of language of service and language of work. There are still shortcomings, however, with respect to the equitable participation of the two language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a tangible impact since its promulgation in 1988.

In general, the Department amply fulfils its obligation to provide service in both official languages in such areas as publications for the public, telephone and personal reception, and dealings with representatives of minorities and provincial governments. However, as indicated in our language audit of Citizenship Courts, some courts are still not able to offer service actively in both languages. Furthermore, the bilingual capability of a significant number of judges is still below par: as was the case last year, only 32% of judges (16 of 50) are bilingual, although 10 judges are now receiving language training. This situation has remained unchanged for several years and it is time that the government made a serious effort to resolve the problem.

Both English and French are widely used as languages of work. Senior management committee meetings are conducted in both languages, with participants free to use their preferred language. Of 272 bilingual supervisory positions, 244 (89.7%) of the incumbents meet the language requirements of their positions. Of these, 45.5% have attained the superior level of language proficiency. All other workplace activities (meetings, work documents, central services) are such that employees can work in their preferred official language.

Considering the Department's mandate, public and location of its offices, Anglophone participation is low. Excluding employees of the Translation Bureau, Anglophones account for only 48.4% of staff, a 7.6% decrease in six years. Their participation is particularly low in the Administrative Support (32.8%) and

Administrative and Foreign Service (48.9%) categories. In Quebec their participation is 10.3%, one of the best performances for a federal institution in that province.

The Department was the subject of 17 founded complaints compared to 14 in 1989. Most involved service to the public (correspondence, telephone communications). The Department offered excellent co-operation in settling of these complaints.

Statistics Canada

In 1990 Statistics Canada effectively fulfilled its linguistic obligations in providing service to the public. However, despite continuing efforts, French still does not have its rightful place as a language of work and there are still some imbalances in the equitable participation of the two language groups. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

In terms of service to the public Statistics Canada gives great importance to its relations and communications with the members of the public on its lists and the users of its statistical data. Signage in all offices is bilingual and the active offer of bilingual service symbol is displayed. Publications and questionnaires used in the collection of statistical data are bilingual and documents published separately in each language indicate that the publication is available in the other official language. Statistics Canada takes into consideration its clients' language preferences and keeps its distribution lists up to date. Some regional offices can answer requests for statistical data in both languages while others rely on a terminal connecting them to the bilingual electronic mass-media network.

Senior management meetings are conducted in both official languages. However, the proportion of supervisors who do not meet the language requirements of their positions remains high in the National Capital Region (244 of 1,041, 23.4%) and only 109 (10.1%) of supervisory positions require the superior level of language proficiency. A significant number of Francophones are thus still not guaranteed a choice of language of supervision.

Frequently used documents, as well as those produced by central services and personnel, are available in both official languages. Even though participants may use their preferred official language, French does not have its rightful place at meetings. The organization's software for major systems, as well as manuals, guides and services for computer users are available in English and French. However, some highly sophisticated purchased software used by specialists is in English, as is the accompanying documentation. Statistics Canada has undertaken a study of its many minor systems with a view to assessing and increasing the percentage of those that can be used in both official languages.

Given the organization's mandate, clientele and location of its offices, we note a continuing low Anglophone participation rate of 62.7% (2,780 employees). In 1990 Anglophone participation increased in the Technical (from 62.6% in 1989 to 63.1% in 1990) and Administrative and Foreign Service categories (from 61.3% in 1989 to 63% in 1990) but declined slightly in the Administrative Support category (from 58.3% in 1989 to 57% in 1990). In recent years an effort has been made to increase Francophone participation in the Scientific and Professional category, which rose from 15% in 1980 to 26.9% in 1990. We feel that Francophone participation in the Management category (22.4%) is somewhat low, a situation that has remained relatively unchanged. In Quebec Anglophone participation dropped by 1.1% this year to 9.9%.

Thirteen complaints were lodged against Statistics Canada in 1990, compared to 14 in 1989. Eleven concerned service to the public, one related to language of work, and another, equitable participation. In all cases, the Department took the action required to rectify the situation.

Supply and Services

Despite some shortcomings the Department of Supply and Services continued to do a good job of carrying out its linguistic obligations with respect to service to the public in 1990. However, French still does not enjoy its rightful place as a language of work and, as we reported in 1989, the Anglophone participation rate is still unacceptably low. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

When dealing with its clients the Department ensures that bilingual services are clearly identified, telephones are answered with a bilingual greeting, and publications are issued in both languages. Furthermore, suppliers are asked to indicate their preferred language in order that all correspondence and other documents may be sent in the appropriate language. All publicity is issued in both languages and the minority press is used according to the requirements of the Act, especially by Crown Assets Disposal.

Despite the Department's best efforts problems still persist with the tendering process in the National Capital Region, where documentation in some instances was still available only in English. Similarly, while the Department follows up on services provided on its behalf by third parties such as Reference Canada, Marlin Travel Service and a number of privately-owned book stores, some problems remain with services offered in both languages by these contractors.

With respect to language of work, both languages are used at management committee meetings. However, since 21% of supervisors are unilingual, it is not alto-

gether surprising that French does not enjoy its rightful place within the Department. A number of measures have been taken to improve the language of work situation. Manuals, directives and other work documents are issued in both languages and training is available in the employee's preferred language. Meetings that include regional staff are held in both languages, and any meeting involving a large number of employees is also held in both languages with the aid of simultaneous interpretation. However, communications with Quebec are still carried out in English only in many instances.

Some problems still exist regarding the Department's obligation to provide bilingual services to other government departments. At certain information sessions documents were available only in English, with an executive summary in French, and some presentations were exclusively in English.

Anglophones account for 59% of the Department's 8,641 employees. This situation has remained virtually unchanged since 1988. In view of the Department's mandate, its clientele and the location of its offices, the participation rate of Anglophones is unacceptably low, particularly in Quebec (15 employees of 636, or 2.4%), and in the Technical (68%), Administrative Support (56%) and Operational (36.6%) categories.

In 1990 we received 29 founded complaints against Supply and Services (54 in 1989). Most concerned such service to the public as unilingual documentation and services; nine dealt with language of work issues such as unilingual supervision and services provided to other government departments. Complaints were, in general, handled satisfactorily.

Transport

Our observations and studies lead us to conclude that Transport Canada has provided generally adequate services in both languages in 1990, although the same cannot be said for its concessionaires. We also noted some progress in the language of work situation, but French still does not occupy its rightful place in the Department. Lastly, despite some persistent imbalances in different groups and regions, the participation of the two language groups is on the whole balanced. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had a limited impact since its promulgation in 1988.

The Department is mainly visible to the public at airports in all regions of the country. A 1990 study on active offer and provision of services at 14 Canadian airports showed that the capacity to serve the public in both languages varied from airport to airport. Ottawa International Airport, for instance, could not guarantee all essential services in both languages, even first aid. Weakness in the monitoring of services is particularly worrying in view of the Department's move

towards transferring the management of some airports to local airport administrations. Lastly, Transport Canada is in its second year of consultations with the Department of Justice to include language requirements in the air safety regulations (in-flight safety announcements and pre-boarding inspection services).

On a more positive note, Transport Canada is working with the Treasury Board Secretariat and Statistics Canada to develop survey questionnaires to measure the language needs and level of satisfaction of the public. Some studies have already been done in the Marine Group and the Aviation Group is to develop its own questionnaires. In June 1990 the Department was able to implement some measures at the Ottawa Airport control tower for air traffic control in English and French at peak hours.

Transport Canada continues to experience many difficulties with regard to language of work. Among the initiatives that should help the Department create a work environment more conducive to the use of both languages, first mention should go to the good will shown by senior management, whose meetings are conducted in both languages. The low proportion of bilingual supervisors (75%) remains among the most difficult barriers to overcome, as do work instruments of a technical nature, which are not always available in both languages.

All group heads have received a copy of the Treasury Board brochure and video tape on the use of both languages in meetings and some groups have even posted the relevant policy in their boardrooms. One very positive move was to include in equipment procurement contracts an enforceable clause requiring suppliers to deliver equipment and instruction manuals in both languages, thereby enabling employees to take their training in the language of their choice. This policy also holds for regularly and widely used automated systems, thereby making it possible to produce documents in both languages. Transport Canada has a strict policy on written communications with its offices in Quebec. Controls have been instituted to detect deviations from this policy and avoid their repetition.

In light of Transport Canada's mandate, public and location of its offices, its participation rates are generally good, with 77.9% of its staff being Anglophone and 22.1% Francophone. An imbalance continues to exist, however, in the Management category where Francophone participation is less than 20%. In the regions the Department encounters more or less the same problems as other federal institutions, especially in Quebec where Anglophone participation accounts for only 7% of staff.

In 1990 the Department continued its efforts to improve the management of its official languages program. It established a co-ordinating committee for handling complaints and is working on a methodology for evaluating implementation of the program. While the letter of understanding on official languages has not yet been signed with Treasury Board, there are agreements between the

deputy minister and each group head requiring an annual report on program implementation in their respective sectors.

In 1990 the number of founded complaints declined to 252 from 321 in 1989. The great majority of these complaints concern service to the travelling public and the Department co-operates well in resolving them.

Treasury Board

The Treasury Board Secretariat continued in 1990 to offer quality services to its public in both official languages. However, improvements are still required in language of work and participation. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has yet to have the expected impact since its promulgation in 1988.

The Treasury Board Secretariat continued to meet its linguistic responsibilities for serving the public. Some improvement was made in the bilingual reception services provided by commissionaires and in the services offered on the Secretariat's behalf by third parties, such as the Great-West Life Assurance Company which manages the Public Service dental insurance plan.

With regard to language of work, French is still not used to the extent it should be within the Secretariat. Even though over 50% of executives have superior language skills and management committee meetings are held in both languages internal meetings often take place in English. In addition, 22.3% of incumbents of bilingual supervisory positions do not meet the language requirements of their positions and the vast majority of memorandums are distributed in English. The internal survey to identify the main obstacles to the use of French as a language of work was delayed by a few months. Lastly, the Secretariat should always ensure that the language preference of participants is respected at all times when it makes presentations to other government employees.

Of the 631 Secretariat employees 398 (63.1%) are Anglophone and 233 (36.9%) are Francophone. Given its mandate, location and public, Anglophone participation is low in the Administrative Support category (33.1%). Francophone participation, on the other hand, is low in the Management category at 21.8%; in 1986 participation was 24.4%. Imbalances in one direction or the other are particularly regrettable in central agencies, which are supposed to set a good example, especially in the Official Languages Branch (74% Francophone), which should be better balanced.

Eight founded complaints were received against the Secretariat this year compared to 16 last year. Six concerned language of service, one the language of an interdepartmental meeting and the last a staffing competition. The Secretariat offered good co-operation in resolving these complaints.

Veterans Affairs

Veterans Affairs, which has not appeared in these pages since our 1986 Annual Report, continues to serve its public well in both official languages. However, French still does not enjoy its rightful place as a language of work and participation imbalances still remain, especially in the Management category and at headquarters in Charlottetown. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had little impact since its promulgation in 1988.

Service to veterans, members of the RCMP and the Armed Forces and, at times, their dependents, is provided through a network of five regional offices and 32 district offices, along with the Rideau Veterans' Home in Ottawa, Saskatoon Veterans' Home and Ste Anne's Hospital in Bellevue, near Montreal. The Department has taken the necessary steps to ensure that service is provided in both languages. Correspondence is always answered in the language of the client. All departmental publications are bilingual and telephone service is offered in both languages in areas of significant demand. Elsewhere, arrangements are made so that minority language clients are offered service in their language of choice from an office where bilingual service is available. Veterans Affairs does a particularly good job providing bilingual services at its Ste Anne's Hospital.

The Department's main weakness continues to be language of work, but efforts are being made to ensure that French enjoys its rightful place to a greater degree. At senior management meetings participants may use their preferred official language and agendas, minutes and other documents are in both languages. While 83% of supervisors meet the language requirements of their positions, these are generally at the intermediate level of proficiency. Work instruments are produced in both languages, but communications between head office in Charlottetown and Quebec are not always carried out in French.

Given its mandate, the clientele served and the fact that 40% of its employees are located in Quebec, mostly at Ste Anne's Hospital, the Department's overall Francophone participation rate of 38.9% is equitable. There are a number of sectoral imbalances. At headquarters in Prince Edward Island, for example, there are no Francophones in either the Scientific and Professional or the Technical categories, and only 37 of 387 (9.6%) in the Administrative Support category. As for the other categories in Charlottetown, three out of 20 (15%) employees in the Management category are Francophones as are only 14% of the 293 in the Administrative and Foreign Service category. In Quebec Anglophones make up 11% of employees (138 of 1,252).

We received three founded complaints this year (two in 1989). These dealt with service to the public. Two referred to telephone reception and one to a document sent in the inappropriate language to a client. Two of these concerned the

Department itself and the third was about the Bureau of Pensions Advocates, one of four organizations reporting to the Minister of Veterans Affairs. All three were resolved promptly and satisfactorily.

Via Rail

The availability of service in French aboard Via Rail trains cannot be taken for granted, even in Quebec. Both official languages are used at work at headquarters in Montreal and, on the whole, the participation of the two language groups in 1990 was once again equitable. Overall, this year the analysis of results achieved and the vitality displayed by this institution in implementing the program indicate that the Official Languages Act has had some impact since its promulgation in 1988.

The presence of bilingual employees aboard trains is often left to chance. The collective agreements of the Canadian Brotherhood of Railway, Transport and General Workers and of the United Transportation Union continue to be a systemic obstacle to the deployment of bilingual personnel. The bilingual capacity of staff in contact with the public remained at 52.5% in 1990. At Via Ontario, where personnel are also called on to work on trains operating in Quebec, it has fallen markedly, from 38% to 31.8%. Thus there are trains operating in the Montreal-Ottawa-Toronto triangle with very few, if any, bilingual personnel. To rectify this problem Via decided to assign a bilingual director of services to any train whose crew has no bilingual personnel. Via Rail should make serious efforts to minimize the impact of staff cutbacks on language of service and to compensate for the absence of linguistic clauses in its collective agreements. The Corporation now uses the Treasury Board symbol for active offer in its stations that have bilingual staff to advise the public that service is available in both official languages. In addition, during a study on active offer of service in both languages in the summer of 1990, we noted that Via Rail is more successful in providing service in both English and French by telephone than in person. Out of 21 calls to various offices of the Corporation we were greeted in both languages 20 times and were served in the language of our choice on every occasion. We were unable, however, to obtain service in French at ticket counters at Toronto and Winnipeg stations, although these are identified as offices with significant demand. The station in Toronto alone has been the subject of 12 complaints about lack of service in French.

Via Rail is attempting to expand the use of French as a language of work. Meetings of the Board of Directors and of the management committee at headquarters in Montreal are conducted in both languages and the pertinent documents are bilingual. A number of computer systems can be used in both languages, including the two main ones dealing with inventory of materiel on trains and in maintenance centres. Manuals and user guides produced by the Corporation are available in both languages, which is not always the case with those produced outside

the Corporation. At the end of the year the Corporation was studying its systems requirements; it will then carry out a linguistic analysis of those deemed essential in order to comply with the 1988 Act.

Contrary to the fears we expressed last year the participation of the two language groups has not been affected significantly by the 2,309 layoffs in 1990. The percentage of Francophones increased by 3% to reach 39.5% of personnel (1,954 of 4,941), while Anglophones accounted for 60.5%. This is an acceptable balance, considering the Corporation's mandate, the location of its offices and its clientele. Participation fluctuated according to region. At Via Atlantic Francophones increased by 3.6% to 28.6%, while at Via Ontario they declined by 1.5% to 4.5%. Anglophone participation decreased by 0.6% to 20.1% at Via Quebec.

Via Rail was the subject of 53 founded complaints in 1990 compared to 27 in 1989. Thirty-three were from the travelling public and the remainder had to do with such issues as telephone communications and failure to use the minority press. The Corporation co-operated effectively in resolving these matters.

PART IV

Minorities

1. An Uneven Evolution

The past year was no ordinary one for linguistic duality, our minority communities or the country. The language issue and the life of the minorities were profoundly affected throughout the year by the drama of the Meech Lake Accord and by the renewed constitutional debate resulting from its failure. Other major events marked the language scene, some positively, others far less so:

- the declarations of municipal unilingualism, which began in Ontario early in the year and whose repercussions were felt throughout Canada;
- the historic and very positive decision of the Supreme Court in the Mahé case, handed down on March 15, 1990;
- developments in education that were generally favourable to minorities;
- the research studies and public hearings associated with the "Vision d'avenir" project of the Commission nationale d'étude sur l'assimilation established by the Fédération des jeunes Canadiens français;
- the closing of certain regional stations, cancellation of some programs and reductions in service by the CBC late in the year as a result of new budget cuts.

Against this background, we begin this chapter by reporting on the constitutional concerns of the umbrella organizations of the Anglophone and Francophone minority communities, as well as on the positions they presented to the Commission on the Political and Constitutional Future of Quebec. Then, in the wake of the Mahé decision and its impact, we take up the question of minority language education and summarize what has been done to implement "appropriate minority language education schemes" in each jurisdiction, report on the achievements of the Commission nationale des parents francophones and introduce a comprehensive study of minority language education conducted on behalf of our Office.

These matters are followed by a discussion of one aspect of the Official Languages Act: promotion of a broader range of provincial, municipal, private and voluntary sector services in English and French and the development of various partnerships designed to achieve this goal. We conclude with an analysis of some of the basic issues raised by the "Vision d'avenir" project and the achievements and policies of the major national minority federations; an evaluation of the results of Canada's official languages policy; and a report on some of our own activities. The second chapter contains a province-by-province review of the main issues of interest to official language minorities.

The constitutional future

The outlook for the constitutional future of Canada in the wake of the failure of the Meech Lake Accord is fraught with consequences for the official language minorities.

Immediately after unanimous agreement on the Meech Lake Accord was reached by the 11 first ministers in 1987, spokespersons for the Anglophone and Francophone minority communities reiterated their support for Quebec's five conditions. They also expressed satisfaction with the fact that linguistic duality was recognized as a fundamental characteristic of Canada. While they never questioned the soundness of purpose of the negotiations that had led to the Accord, they did not conceal their concerns or their feeling of having for too long been shunted aside.

Michael Goldbloom, who had just turned over the presidency of Alliance Quebec to his successor, told *Language and Society* (No. 20), "we can protect the distinctiveness of Quebec *and* protect minority rights." The English-speaking community in Quebec would have preferred that the constitutional accord ensure, without exception, the supremacy of basic human rights. Like the minority leaders in the other provinces, it also wanted a commitment to *promote* linguistic duality added to the commitment to *protect* it.

The Fédération des francophones hors Québec (FFHQ) had the difficult task of formulating a position that reconciled a sense of belonging to the French Canadian community with the well-being and views of the communities of both territories and all nine provinces outside Quebec. It continued for a long time to express serious reservations without completely abandoning hope for a commitment to provide better protection for the official language minorities, if not in an amended constitutional accord then at least during a future round of negotiations. With the approach of the fateful June 23 deadline the national council of presidents of the FFHQ, after much hesitation, decided to officially support the Meech Lake Accord last February. After a three-year roller-coaster ride the Meech Lake Accord met its fate on June 23, a date that marks the start of a brand-new page in Canadian history.

The ups and downs of the Meech Lake Accord and the wave of declarations of unilingualism by some municipalities, mainly in Ontario, proved especially wearying for Francophones outside Quebec. The second half of the year would be particularly taxing for Alliance Quebec and the Anglophone community, which felt increasingly marginal to the incipient debate about Quebec's options. Alliance Quebec therefore consulted widely with the community on the political and constitutional future of Quebec. One of the approximately 2,500 participants expressed a widely held feeling in these terms: "What am I if what I have contributed counts for nothing and if I am not considered a Quebecer?" The section of the next chapter devoted to Quebec contains the conclusions of this consultation, as presented to the Bélanger-Campeau Commission.

Francophones in many locations outside Quebec also engaged in profound reflection on their future and that of their country. Some of their associations also appeared before the Bélanger-Campeau Commission and will no doubt make their views known to the Citizens' Forum on Canada's Future. In its brief to the Commission, the FFHQ first emphasized that it considered the exercise under way to be, first and foremost, a matter for the Quebec community, which had to define its vision of society. In contributing to such a process the FFHQ said that its views reflected a community that shared many qualities — historical, linguistic and cultural — with Quebec society.

"For many Quebecers," said FFHQ President Guy Matte, "Francophones outside Quebec are an unknown quantity. Quebecers frequently have no knowledge of our roots or of our day-to-day reality." He made the point that the Acadians, the first Europeans to settle permanently north of the Floridas and the first French presence in North America, as well as other Francophones had put down their roots in all regions of Canada. These one million Francophones, he added, equal or exceed the population of six of Canada's 10 provinces. They are equal to 20% of the Francophone population of Quebec and represent thousands of contacts for Quebec in economic, educational and cultural spheres; they are a linguistic outpost essential to Quebec society.

After reviewing the changing relationship between Quebec and the other Francophone communities over the past 30 years the FFHQ stated: "At a time when the interests of Quebec's Francophone community seem to be in the hands of the National Assembly those of our communities depend directly on greater power for the central government." In conclusion, it affirmed its conviction that, regardless of what vision of society Quebecers adopt, it is possible, and in everyone's interest, to develop different forms of partnership with the other Francophone communities in the areas of politics, economics, society, culture and communications.

In the same vein, the Association canadienne-française de l'Ontario (ACFO) said that French-speaking Ontario constitutes a prime market for manufactured

and cultural products for an expanding Quebec. Quebec might also find valuable intermediaries among the 8,000 Ontario firms owned by Franco-Ontarians, who are, after all, natural and sympathetic allies. In ACFO's view, Quebec, which aspires to become a leader in the international Francophone community, cannot afford to ignore this community of nearly two million persons (if one includes new Canadians who speak French), most of whom live in Ontario. "The development and implementation by Quebec of a minority code as a basis for concluding reciprocal agreements on language rights with provinces with an Anglophone majority" is one of the many ways of "turning neighbours into partners."

The three other associations that appeared before the Commission had some different points of view but one clear common denominator: the importance of preserving the Canadian framework. The Société des Acadiens et des Acadiennes du Nouveau-Brunswick (SAANB) reminded the Commission, and all Quebecers, of the cultural vitality and economic dynamism of New Brunswick's Acadian community, as indicated by the impressive network of linguistically homogeneous structures developed in the past decade in practically all sectors. SAANB said with some pride that "the administrative and political duality so desired is already almost a fact of life in social terms." In the context of a Canada that needs to undergo major structural change SAANB wishes to pursue and expand its co-operation with the "new" Quebec by inviting its government to conclude co-operation agreements directly with the community. The Acadian spokespersons indicated that they understood and respected Quebec's present action and said, "The constitutional status quo is a thing of the past and Canada as a whole should work towards defining a new association."

Franco-Manitobans also appeared before the Commission to give evidence of their vitality and make their aspirations better known. "We hope that Quebec remains in Confederation, but in a redefined Canada where all can enjoy their legitimate place," said the President of the Société franco-manitobaine (SFM). Recognizing that there is a place for the Anglophone community in the Quebec of tomorrow, the SFM advocated a minority code to protect the gains already made, in particular the Official Languages Act and the Canadian Charter of Rights and Freedoms.

The President of the Association canadienne-française de l'Alberta (ACFA) told the Quebec Commission: "We are here in the hope that this family dispute will be settled and that we can together find a solution for the future." In the opinion of ACFA Francophones, Anglophones and aboriginal peoples form three great national communities which also include groups of various ethnocultural origins. These communities are intimately linked by their history and coexistence in the northern part of our continent and they must reach agreement if they are to manage it together. Noting that the Franco-Albertan community might have perished on a hundred different occasions, ACFA concluded that "it is precisely because we can work tirelessly for eight years to obtain a single school in a small Franco-

phone community that we can present ourselves as a major partner in the survival of the French fact in North America....We are your family in Canada; when you are among us, you feel less isolated as a French-speaker in this country....Whatever Quebec negotiates with English Canada, it must protect acquired rights for Franco-Albertans with the authority of a Quebec that is part of Canada."

Minority education

Following the historic decision handed down by the Supreme Court of Canada in the Mahé case on March 15, 1990, provincial authorities no longer challenged, as they had in the past, the principle of school governance by minorities. They wonder, however, how best to ensure respect for this principle. The harvest is only beginning but, all things considered, 1990 was a very good year in terms of minority education.

Since access to instruction in the language of the minority depends, in large measure, on the right of the minority to manage its own schools — the issue at the heart of the case brought before the Supreme Court — we shall confine ourselves here to a review of developments in this regard. Other aspects of minority education, such as the creation of a number of schools and the issue of post-secondary education, are taken up in the following chapter.

"Where numbers warrant," the Court ruled, "s. 23 confers upon parents belonging to the linguistic minority a right to management and control over the educational facilities in which their children are taught." It also condemned "the inaction of the public authorities, who have failed to discharge their obligation under Section 23," and stated that they must therefore, where required, "delay no longer in putting in place an appropriate minority language education scheme." Now that the Supreme Court has clarified the purpose, nature and scope of Section 23, set out the principles that should guide its implementation and clarified, to a considerable extent, the rights of one party and the obligation of the other, all that remains is to show diligence in defining the "appropriate scheme" required, or the elements necessary to complete it, and to put them in place.

From east to west

In **Prince Edward Island** new school regulations came into force on July 1, less than five months after their adoption. The result: two school maps (Anglophone and Francophone), assured funding and the creation of a single French-language school board whose jurisdiction covers the entire province.

In **Newfoundland** the Schools Act and the formal policies arising from it are still silent on the subject of Section 23, as if the Charter did not even exist. The province is still a long way from designing, let alone implementing, an "appropriate minority language education scheme." At the very end of the year there were signs that it was preparing to set about the task soon.

Nova Scotia is not much further ahead in this regard and there is no sign of a proposal at present. It is hard to imagine that the province could entrust the management of the French-language school and community centre that will open in the Halifax-Dartmouth area next September to other than the region's Acadian community. This is a good opportunity to review the system for managing Acadian schools throughout the province and to speed matters up.

In **New Brunswick** the linguistic homogeneity of each educational system is complete — from the schools to the two deputy ministers of education — and the principle of "equal partnership" enunciated by the Supreme Court is fully respected. This "appropriate scheme" was in place before the Charter was proclaimed and put an end to linguistic conflicts over education.

In **Quebec** the English-speaking community has a full range of educational institutions, from kindergarten to university. Established along denominational lines, this system traditionally ensured linguistic homogeneity since the Protestant sector was English-speaking and the Catholic sector French-speaking. Because of the gradual erosion of this homogeneity and the resulting deprivation of the exercise of full educational control by either party the government undertook a reform designed to replace the Protestant and Catholic school boards by English-language and French-language school boards while respecting the religious requirements written into the Constitution. As soon as Bill 3 was adopted by the Lévesque government in 1984 it was challenged. The Quebec Superior Court prohibited the government from implementing Bill 3 so long as its second objective (respect for religious requirements) had not been achieved. The Bourassa government took up the issue with Bill 107, adopted in December 1988. Bill 107 preserves the right of members of a religious minority, within the new linguistic school boards, to exercise their dissentient rights. In the circumstances, the government decided to ask the Quebec Court of Appeal for an opinion on some provisions that might be found invalid. As we explain in Part I, Chapter 3, the issue has now been brought before the Supreme Court of Canada after being the subject of a favourable decision in the lower court.

Responding to the Supreme Court's decision in the Mahé case, Claude Ryan, then Minister of Education, said that recognition of the right of the minority community to educational management did not cause his government any difficulty. Progress in this regard, however, will have to await clarification of the constitutional issues raised by Bill 107. The minister acknowledged that the decision would oblige the government to be more attentive to the linguistic and cultural concerns of its official language minority when designing educational programs, for example by allowing for their more active and direct participation.

In **Ontario** the government, facing a challenge under Section 23 of the Charter, had agreed to a reference on the issue and in 1984 the Ontario Court of Appeal confirmed the right of Francophones in the province to manage their own schools. After the Charter came into force Ontario was the first province (of

those clearly required to do so) to revise its Education Act, thereby giving effect to the remedial character of Section 23.

The tabling of Bill 75 in November 1985 and its adoption the following year provided for guaranteed proportional representation for the linguistic minority throughout the province and created a Francophone school board in Metropolitan Toronto. Bill 75 came into full force in September 1988 and during that school year French-language boards were created in Toronto and Ottawa-Carleton.

Serious inadequacies and operational problems with proportional representation soon became apparent and drew criticism. In 1990 the government attempted to rectify the situation by creating a task force responsible for proposing a new "appropriate scheme" to the Minister of Education, as well as methods of implementing it. It also decided to create French-language school boards in Prescott-Russell and Simcoe and, at year's end, adopted amendments to the Education Act designed to permit the creation of French-language school boards by order of the Executive Council.

In **Manitoba**, after consultations with those concerned, the government set up a task force headed by Edgar Gallant, whose report is expected by spring 1991. The task force should, in Premier Filmon's words, seek to achieve a "constructive and generous" application of rights in proposing measures to the Minister of Education to ensure that Franco-Manitobans enjoy the right to manage minority language instruction and facilities.

In **Saskatchewan**, less than a month after the Mahé decision, the government announced its decision to postpone the tabling of the legislation required to put in place the "Fransaskois component" of the province's school system. Since the "appropriate scheme" is already well defined in Saskatchewan and the problems to which its implementation have given rise are now solved, there is no reason to "delay [any] longer".

In **Alberta**, the province in which the Mahé case originated, Francophones control neither the programs of instruction offered in their language nor the French schools. Francophone parents and the minority community are calling for French-language regional school boards and in this the Alberta Teachers' Association and the Alberta School Trustees Association support them.

The outlines of the "appropriate scheme" seem to be emerging more clearly from ongoing consultations. At the end of the year the creation of a regional school board in the Smokey River/Spirit River/Peace River region seemed increasingly certain and the anticipated results of a provincial task force studying the issue gave us reason to hope.

In **British Columbia**, shortly after the Mahé decision was handed down, the Minister of Education established a 17-person task force with representatives of

all parties involved in education in the province. It is to propose, next spring, criteria for the exercise of the educational rights guaranteed by Section 23, including management, "in a spirit of openness and generosity."

The **Yukon** passed a ground-breaking Education Act on May 14, 1990: a French-language school board covering the whole of this vast territory will likely be created soon. Management of the only French school by Francophones is already assured. Thus, the smallest jurisdiction in Canada, with barely 24,000 inhabitants, serving the smallest linguistic minority in the country, is setting an example of the art of the possible.

The same cannot be said about the **Northwest Territories**. Action is slow, the "appropriate scheme" has not been defined, nor has any suitable process in this regard been initiated. A grudging approach is hardly the best way to provide what is required by both the law and the basic needs of the community, considering that it will inevitably lead to court action.

Court cases

Our survey of minority school governance in Canada would be incomplete and would paint an unrealistic picture if we did not note, in conclusion, the importance in several jurisdictions of the court cases that those most directly involved found necessary to initiate or consider initiating. Fortunately, in some instances action by the authorities resulted in the case being settled; in others it led to their suspension or simply obviated the need for them. This might have also been the result if action had been taken in Saskatchewan, where three new cases were initiated.

Commission nationale des parents francophones

The multiplicity of urgent and tangible problems raised by application of the principles enunciated by the Supreme Court in the Mahé decision confirmed the essential role of a well-organized national parents' movement in implementing Section 23. The Commission nationale des parents francophones (CNPF) had to accelerate the consolidation of a still relatively new network and increase the number of training sessions to prepare its provincial and territorial components at all levels. They had to be made well-informed partners in the establishment of school systems but even more in developing appropriate schemes for the exercise of governance. The year as a whole shows that the Mahé decision produced a series of major initiatives. "Rarely have we seen as much progress and as many promising developments in the vital area of minority education in Canada in so short a time," said the President of the Commission, Raymond Poirier. Those involved had to work extremely hard and parents had to participate as never before.

Following a meeting early in the year between the directors of CNPF and the executive of the Council of Ministers of Education, Canada, the Council decided to devote a major portion of its meeting early in 1991 to the issue of implementation of Section 23, an objective we have pursued for a number of years. This is

the first time since the Charter came into force that the Council will hold an exchange of views, based on a brief submitted by CNPF, on the status of minority language education and an exchange of information on models and procedures for school governance by Canada's official language minorities.

Thanks to major funding from the Department of the Secretary of State in recent years the parents' movement was able to meet the many challenges of 1990. CNPF and parents expressed great satisfaction with the efforts of the Department to assist them and with the role it played in facilitating the development of minority education systems in various provinces. The parents and the community have recently had an opportunity to hold detailed discussions about problems associated with implementation of Section 23 in their communities, a factor that has made them close partners in this endeavour.

Their participation in various departmental committees responsible for developing an "appropriate minority language education scheme" confirms their relevance as well as their ability to assume such responsibilities in full. The Francophone parents' movement also expects the Department of the Secretary of State, which is already a partner in the development of education systems, to participate in their implementation. (See Part I, Chapter 4.)

In 1990 the Commission nationale des parents francophones devoted more attention to pre-school programs, the second major component of its activities. It is just as important as the first, for pre-school services, including daycare and kindergartens, are an integral feature of the educational wisdom it is trying to implement.

The lack of an adequate system of French-language daycare facilities and kindergartens often leads to the anglicization of French-speaking children even before they attend school. Information on the number of places available in French-language public daycare facilities outside Quebec is still incomplete. However, it seems clear that, all things considered, Francophone parents are at a definite disadvantage in this regard at a time when their needs, for obvious linguistic and cultural reasons, are clearer than ever. It is at this point that francization and refrancization programs are most effective, both in preventing early anglicization and in allowing for harmonious integration into the French school of eligible pupils who speak little or no French. In the Mahé decision, did the Supreme Court not state that Section 23 is "designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the 'equal partnership' of the two official language groups in the context of education."

In the past year fruitful co-operation began between the Department of the Secretary of State, the Commission nationale des parents francophones and Health and Welfare Canada. The latter, increasingly mindful of the need to fill an

important gap, funded a study by CNPF designed to better define the linguistic and cultural requirements of daycare services for Francophones in a minority situation. The new Canadian policy on daycare services that the government is developing will fortunately take into account the special needs of the minority language communities.

A study of the scope and implementation of Section 23

Exchanges of views between the principal parties concerned and successive Commissioners during their travels around the country, as for example with the ministers of education of most of the provinces and territories and with most of the premiers, confirmed in our eyes the need to undertake a general study of the scope of Section 23 and of the problems involved in implementing it across Canada. Our Office wished to fill in the gaps resulting from the essentially fragmentary nature of current information and analyses to make available to all parties concerned — provincial and local school officials, parents and minority groups, judges and counsel, researchers and others — a set of data and analyses that would facilitate implementation of these constitutional provisions.

In view of her training, multidisciplinary expertise and marked interest in problems of this nature, we entrusted this study to Angéline Martel three years ago. We asked her to elucidate the meaning and scope of Section 23, with the assistance of constitutional experts who would analyse the jurisprudence, to describe the current situation with respect to minority education in each province and territory and to define the elements essential to minority parents' right to management and control over the educational facilities in which their children are taught, as well as the various methods of exercising it, to provide information to guide those working in this complex and vital area.

We very much hope that the recent publication of this work will contribute to a better informed implementation and therefore full exercise of education rights by official language minorities everywhere in Canada.

More partnerships...and services

Our two official languages, and the Canadians who are members of the minority communities, cannot develop and grow within the spheres of federal jurisdiction alone. That is why we insisted in our 1984 Annual Report — in the tradition of the Royal Commission on Bilingualism and Biculturalism — on the importance of extending, with the assistance of the competent authorities, the vital aspect of official languages to provincial and municipal services, as well as to those provided by the private and voluntary sectors. Fortunately, Parliament recognized these realities in the 1988 Official Languages Act and assigned the Secretary of State of Canada a central role in this vast area. Since various aspects of these questions are dealt with elsewhere, we shall confine ourselves here to an overview of a few key issues.

During the year important new initiatives were taken with respect to the range of provincial services provided in both official languages in Manitoba, notable

progress was made in Prince Edward Island and New Brunswick, and services were consolidated in Ontario and Quebec. The fact that this was possible in the climate of 1990 is attributable in large part to the co-operation of various partners. In our 1989 Annual Report we observed that a new partnership seemed to be developing between the government of Canada, the official language minorities and their respective provincial or territorial governments. We have every reason to believe that this partnership was strengthened in 1990.

To date language planning in Canada has barely begun to affect the **municipal sector**, except in Quebec. And yet this is the level of government that is closest to the people and whose services the public uses most frequently. Our knowledge of the status and the use of English and French in Canadian municipalities is still very fragmentary, indeed superficial. We know, for example, that certain services are provided in both official languages in nearly 100 municipalities in Quebec, in a little over 40 in Ontario and in about 30 in New Brunswick. But the size of the municipalities varies so greatly that one alone may serve a population larger than that found in 40 others.

What is striking in many cases is that, due to the absence of official policies on the subject, bilingual services already available are at the mercy of the slightest change of political wind. It also appears that the bilingual resources available to municipal administrations are often under-utilized. Nevertheless, it would be very easy, even without adding a single bilingual employee, to improve the use of services available to the public by publicizing them better. An effective policy would do this by clarifying what municipal taxpayers and employees have the right to expect in this regard.

Three promising new groups recently appeared on the municipal scene: the Association des municipalités bilingues du Manitoba, the Association française des municipalités de l'Ontario and the Association des municipalités du Nouveau-Brunswick.

Many surveys have shown that a majority of the public supports the provision of municipal services in both English and French. The population samples in these opinion surveys are much too small to allow for comparisons between different categories of municipalities. It can be assumed, however, without too much risk of error, that the degree of support is generally higher in municipalities where there is an official language minority population of between 5% and 10% than in those where the percentage is very small. There should be at least some degree of proportionality between the level of support, the needs and the bilingual resources available locally. Other studies indicate that in many cases elected municipal officials would be prepared to consider and even be very interested in developing a more solid foundation for the services now available on a relatively insecure basis, in broadening their range and in rationalizing the way they are provided. But they do not clearly know how to go about doing so. The associa-

tions that have been established may, in this regard, be able to be of service to all municipal councils of good will.

We can therefore expect that the associations of municipalities in these three provinces will give priority to the development of a model municipal by-law that would take into account the needs and areas of jurisdiction of the various types of municipalities — towns, villages, rural municipalities, etc. The text of such a model municipal by-law might include a set of optional provisions allowing municipal councils to legislate by taking the measures they deem appropriate in the circumstances. If such a document had been made available to interested municipalities it might have simplified many things; hence the need to consider this suggestion in the future.

In the **private and voluntary sector**, our Office participated in major initiatives that led to the discovery of valuable partners such as the Canadian Society of Association Executives. This Society consists of executives working in some 1,300 national, provincial and regional organizations, mainly in the private sector. The status of the official languages and the needs of organizations in this area were the subject of a study and recommendations made to the Department of the Secretary of State in the summer of 1988. It does not appear, however, that sufficiently vigorous follow-up action has been taken to achieve tangible results. It is time to return to the attack and revitalize this important sector and this can be achieved through a modest investment of human, technical and financial resources.

In the **voluntary sector** a new partnership was recently formed between the Coalition of National Voluntary Organizations, the Department of the Secretary of State and the Office of the Commissioner. The aim of this partnership, initially, is to take stock of the status and use of the two official languages in some 150 national voluntary associations that belong to the Coalition, to assess the extent to which their directors are prepared to better reflect linguistic duality and offer members more opportunities to participate in the activities of their association in their own language and to find the most practical ways of achieving this end. The voluntary sector is an important one given the impact of its activities on the daily lives of thousands of Canadians. This issue is also of particular interest because, if they are to be truly national in scope, these associations must clearly reflect Canadian linguistic duality. It is to be hoped that the follow-up action taken on these initiatives will be in keeping with the importance of what is at stake.

The minority communities

The official language minorities — Anglophones in Quebec and Francophones *elsewhere in Canada* — form distinct communities that share certain common characteristics and rights. They nevertheless exhibit a great deal of asymmetry in

their situations and ambivalence towards their future. For example, more than three-quarters of Quebec Anglophones are concentrated in the Montreal area and nearly one-quarter in the smaller communities of the Eastern Townships, the Quebec City area, Gaspé or the North Shore. It goes without saying that while their rights are identical their situation and community life are not. The Francophone minorities vary greatly both in their situations and their status at the provincial level.

The life of each official language minority community and the activities of their provincial or territorial representative organization are discussed in the next chapter. Here we briefly review the activities of the chief national Francophone associations, giving special attention to Vision d'avenir, a major project to which reference was made earlier in this report. We shall then look at the pan-Canadian aspect of the role that Alliance Quebec continues to play. Finally, bearing in mind certain statements to the effect that bilingualism has harmed Francophones, we shall attempt to identify the principal impact that Canada's official languages policy has had on the minorities.

Vision d'avenir

The survival of minorities, especially Francophone minorities, their opportunities to develop and the effectiveness of official languages policies were topics often in the news in 1990. In September the Commission nationale d'étude sur l'assimilation, established by the Fédération des jeunes Canadiens français, published the first two in a series of four volumes on the future of the French language and culture in Canada: "Le déclin d'une culture" and "Le choc des nombres". The titles of these important works convey the essence of their message. The portrait they paint of the situation of Francophones outside Quebec is a bleak one:

- the birth rate, long the demographic strength of Francophones, has fallen below the average fertility rate;
- the age pyramids are becoming inverted;
- migratory movements have not resulted in any significant numerical improvement, except in British Columbia;
- the anglicization of Francophones continues to wreak havoc.

Taken as a whole and based on mother tongue data, the number of Francophones outside Quebec is still growing, but slowly. However, their proportion of the population has continued to decline because immigration, on balance, works in favour of English-speakers. By province the relative demographic weight of Francophones varies, in absolute terms, from 2,500 to nearly 500,000, and in relative terms, from 0.5% to 33.5%. These two sets of numbers are reflected, in large measure, by two standards of rights (official and actual) and services

(public and private) to which the minorities have access in their own language. But the issue is not quite that simple.

To better understand the reality — notwithstanding the fact that three-quarters of all Francophones outside Quebec live in Ontario and New Brunswick — it is necessary to look on a smaller scale at the geographical distribution of minorities and their concentrations. Francophone Acadians in Prince Edward Island represent just under 5% of the population of the province but they account for 10% of the population of Prince County and are mainly concentrated in the Evangeline area; in Wellington and Abram's Village they constitute the majority. In the major cities of western Canada the number of Francophones is equal to that of towns with 10,000 to 25,000 inhabitants.

Based on such concentrations, "communities" of greater or lesser strength are formed. Together they can sustain and make viable a broader range of public and private bilingual services. The well-planned delivery of such services might yield interesting results.[1] Even in the context of a less favourable provincial legal framework the chances of survival and development of small communities supported by a well-organized network of associations and institutions — another form of concentration that is, in addition, accessible — may be better than those of larger but more scattered communities. The fact remains, however, that, in the final analysis, the ongoing survival of our minority communities is measured largely in demolinguistic terms.

Urbanization is another phenomenon that has not favoured the minorities, with the possible exception of Franco-Manitobans who, like Anglophones in the Montreal area, are concentrated in St. Boniface, where they have major institutions and enjoy a relatively broad range of services. Elsewhere this phenomenon has generally contributed to the exodus of young people and, hence, to the ageing of the outlying communities, the weakening of their demographic base and a loss of local autonomy.

National Francophone associations

At its 1989 annual general meeting the **Fédération des francophones hors Québec** (FFHQ) launched an examination of the place of the communities it represents within Canada's French-speaking community and in Canada as a whole. The "Dessein 2000" exercise is taking on new importance. At the same time it faces considerable challenges in the post-Meech era as uncertainty about the political and constitutional future of Canada continues to increase.

The FFHQ also published research reports this year in very diverse areas, including *La décennie 90: étape de consolidation*, which presents an overview of the

[1] In his brief to the Standing Joint Committee on Official Languages on the draft regulations on communications and services on December 5, 1990, the Commissioner emphasized the importance, in determining demand and the right to service itself, of the manner in which service is offered.

jurisprudence on Section 23 and of the state of education in each jurisdiction, and *Développements institutionnels des communautés francophones hors Québec* by Daniel Savas, which deals with the contribution to community vitality made by institutional development and completeness.

A number of other issues tested the resources of the FFHQ in 1990: new efforts to counter the disinformation surrounding the declarations of municipal unilingualism in the months following the Sault Ste. Marie decision, and efforts to assess and counter the impact of budget cuts announced by the CBC in recent months. It is hardly surprising that these cutbacks have resulted in an increasing number of protests: the suppression of urgently needed and major support for the linguistic and cultural vitality of minority communities, especially when no other solution has been proposed, will produce, especially for young people, assimilation not only to English-Canadian but also to American culture.

The action taken by certain national bodies that are members of the FFHQ include consolidation of the **Association de la presse francophone** network and its press agency, as well as the Table nationale de concertation sur la programmation en français established by the **Association canadienne d'éducation de langue française**, on which sit educational program specialists from the ministries of education of each province and territory.

The **Fédération culturelle canadienne-française** (FCCF) is working in another new sector of great importance for the future of Francophone communities outside Quebec. The FCCF today brings together virtually all representatives of the cultural sector of Francophone communities, which are extremely dynamic and increasingly well equipped as a result of its distribution network for the dramatic arts and cultural products. The FCCF supports an expression whose richness reflects, drives and shapes French-Canadian culture.

The Commissioner was very pleased to learn from the Minister of Communications that, in terms of the administration of cultural support programs in Canada, his Department felt in no way bound to provide "cultural charity" to the minority communities. Their artistic and cultural projects and products are already receiving major assistance by being evaluated on an equal basis with all others and in accordance with the same national standards of excellence.

Alliance Quebec

While Alliance Quebec has for obvious reasons shifted its focus increasingly towards Quebec and its government, it has remained active in a number of national issues. The past year began with renewed challenges of the principle of linguistic duality in Canada. As it has done so many times, Alliance Quebec spoke out against the restrictive actions of municipal and provincial governments in matters relating to the Francophone minorities. In a meeting with Sault Ste. Marie mayor Joseph Fratesi and in a public meeting afterwards Alliance President Robert Keaton deplored the city's decision to declare itself officially unilin-

gual. The Alliance continued thereafter to denounce similar decisions in other towns and townships. In a related brief presented on March 21, 1990, to the Standing Joint Committee on Official Languages it reaffirmed its strong commitment to Canada's two official languages.

The Alliance continued to work with the Fédération des Francophones hors Québec as well as our Office to urge the federal government to table the regulations required to give effect to the 1988 Official Languages Act. The Alliance welcomed the tabling of the first draft regulations on communications with and service to the public. However, it outlined, as did the **Association of Quebec Regional English Media**, a number of concerns in a brief presented in December to the Standing Joint Committee.

On educational issues, Alliance Quebec continued to monitor second-language programs funded by the Official Languages in Education Program of the Department of the Secretary of State. While it welcomed a number of initiatives in late spring, the Alliance continues to be concerned with the limited direct support for French as a second language programs at the primary and secondary levels in Quebec. As did other national and provincial minority associations, Alliance Quebec participated in consultations with the Department on the Promotion of Official Languages Program. It is also co-ordinating, in the English-speaking community, the identification of priority needs that can be met through a fine-tuning of existing federal programs to better support the development of the minority community. Meetings to that effect involving the Secretary of State, the Alliance and key federal ministers are presently at the planning stage.

While Alliance Quebec strongly supports language-based school boards, it will continue to seek constitutional protection for them and to follow closely the constitutional reference of parts of Bill 107 creating these new school boards. The Alliance also intervened in the case currently before the Supreme Court regarding the obligation to translate orders in council. The specific case in question regards the order in council, written exclusively in French, which merged the towns of Rouyn and Noranda. Similar to the Manitoba case also before the Supreme Court, this case raises the issue of the scope of Section 133 of the Constitution Act, 1867, and whether orders in council of a normative nature have to be translated.

Increasing importance is being devoted to the Alliance's youth program. Its committee members met with the Fédération des jeunes Canadiens français and participated in a pilot project with the Public Service Commission designed to test the level of French required at various job levels in the federal Public Service. In a presentation to a provincial committee on Anglophone access to the Quebec Public Service the youth committee delegates supported the notion of affirmative action in view of serious Anglophone under-representation. Understandably, efforts to keep young people in the community is a central issue that requires strong remedial action.

Impact of the official languages policy

Canada can hardly be said to have had any real official languages policy prior to the 1970s. Over the past 20 years language rights have been significantly strengthened, official languages programs improved and the range of public and private sector services offered in English and French considerably extended. Despite its progressive implementation, which in our view is too slow and has not yet had the desired impact, can it be said that Canada's official languages policy has seriously helped to neutralize, for Francophones outside Quebec, the dual impact of urbanization and the marked decline in the birth rate? It is very difficult to imagine that any policy could be decisive in circumstances where it is faced by such obstacles and by the attraction of the majority language. There is reason to believe, however, that this policy, particularly as it relates to education and communications, has had a positive impact in countering the anglicization of Francophones, as shown by the results of the intergenerational linguistic continuity index.[2]

It should be borne in mind that Section 23 of the Canadian Charter of Rights and Freedoms came into force only in 1982 and that its full implementation is still incomplete. We described only in last year's Report a new partnership that appeared to be taking place between the government of Canada, the official language minorities and their respective provincial or territorial governments. To the extent that a number of Francophone minorities will soon have equitable access to education in their language, from daycare to university, as well as management of a significant portion of the educational institutions in the school system, that intergovernmental co-operation and support for minority development will continue to be strengthened and that the minorities and their associations will continue to demonstrate growing dynamism, we may expect a reduction in the rate of assimilation. What is certain is that no one can seriously suggest that institutional bilingualism — the delivery of government services in English and French — results in the anglicization of Francophones.

The issues facing the Anglophone minority in Quebec are quite different. English is clearly not threatened; the heavy concentration of Anglophones in the Montreal region allows it to continue to make gains in its demolinguistic exchanges with French. On the other hand, the English-language communities that live beyond the Island of Montreal are experiencing increasing difficulties in preserving their status. The exodus of young Anglophones, who are among the

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[2] In a scientific paper presented in 1989 Réjean Lachapelle noted that, according to the intergenerational linguistic continuity index of French mother tongue women (an index established on the basis of children under five years of age who speak French at home or whose family speak it even if they do not yet speak it), the net rate of anglicization among Francophones outside Quebec declined between 1966-71 and 1981-86 from 35% to 29.4%. See *Demolinguistic Trends and Evolution of Canadian Institutions*; special issue in the *Canadian Issues* of the Association for Canadian Studies, Montreal, 1989.

most mobile groups in the country[3], continues to weaken the demographic base of the communities and to make survival of their institutions more precarious. On balance, it may not be much easier to correct this situation than it is to prevent assimilation among many Francophones outside Quebec. Some remedies — better language training for young children so that they may increase their job opportunities and facilitate their integration in society — are necessary, but they differ fundamentally from those suited to Francophones. Others, such as increased support for association and institutional networks, are identical to those required to protect Francophone communities in the rest of Canada.

Action by the Office of the Commissioner

The year was a particularly busy one for our regional offices and for the Commissioner, who travelled at least once to each province and territory. In addition to meeting with senior officials responsible for managing federal institutions in various parts of the country he was able to hold discussions with six premiers and heads of government in the provinces and territories; with several other representatives of provincial authorities; mayors of towns and cities; representatives of minority groups; parent and youth associations; school and university administrators; and editorial writers and other media representatives. This was one other way for the Commissioner to listen to Canadians, inform the general public about Canadian duality and language reform, and provide additional support for official language minority development, an objective that our regional offices are involved in on a daily basis.

[3] One analysis revealed that, whatever the period in question, 10 times more Anglophones than Francophones leave Quebec for other provinces. Source: Lachapelle R. and J. Henripin, *The Demolinguistic Situation in Canada; Past Trends and Future Prospects*. Montreal, Institute for Research on Public Policy, 1980.

2. Province-by-Province Review: Worry and Hope

As in past years, this chapter provides a brief province-by-province overview of the year's major legal, educational, institutional and community issues.

The West

For Francophone communities in the West 1990 was undoubtedly a difficult year. If predictions of "après Meech, le déluge" turned out to be overly pessimistic, the tensions which characterized the acrimonious end of the Meech Lake process made progress both more difficult and that much more essential. Throughout the West, the Supreme Court of Canada's landmark ruling in the Mahé case seems to have kick-started the stalled process of educational reform envisaged by the 1982 Charter of Rights. The long-delayed implementation of Section 23 of the Charter finally arrived in the West, although for most Francophone communities it remains more promise than reality. The Commissioner, who travelled widely throughout the West during the year, was able to discuss these issues during meetings with a number of premiers, ministers of education and representatives of Francophone groups in each province and territory.

It was a year when big cities borrowed small town values of generosity and neighbourliness while a few villages made national headlines by declaring themselves unilingual. And as the prospect of receiving CBC's French-language television in Yellowknife loomed, budget cutbacks drastically reduced local French-language production throughout the West. In short, it was the type of year when two steps forward and one step back seemed to be the latest political dance.

Manitoba distinguished itself as one of this year's leaders in the West with continued tangible progress, particularly in the area of government services. Following the Appeal Court's decision in the minority language education reference case, the Manitoba government indicated its willingness to consider changes to its Public Schools Act. The results of this case were largely overshadowed by the subsequent Supreme Court ruling in the Mahé case. In response to these two court decisions, the Manitoba government set up a committee to recommend

ways to give Francophones control over French-language education. The committee will consult with the Francophone community, school trustees, and others in the education field; its report is expected in the spring of 1991. The Minister of Education, Len Derkach, has committed the government to amending the Public Schools Act to take into account the committee's recommendations. The Fédération provinciale des comités de parents has welcomed this initiative.

Following the adoption of Manitoba's French Language Services policy, which we reported last year, a consultant was commissioned by the government to examine the provision of health and social services in French. The report was tabled in the fall of 1990. In his speech to the annual general meeting of the Société franco-manitobaine (SFM), Premier Filmon indicated that his government agrees in principle with the report's recommendations. Manitoba's French Language Services policy has already resulted in the improvement of services offered by utilities such as Manitoba Hydro and the Manitoba Telephone System. French-language services have also been slowly improving at the St. Boniface General Hospital since the appointment of an official languages co-ordinator. Approximately 25% of the patients treated by the emergency service of the hospital are Francophones.

In November the Secretary of State and the provincial government signed a five-year agreement on the promotion of official languages in Manitoba. While the agreement does not mention specific projects or financial commitments, it does state the principles and mechanisms for co-operation between the two governments. Discussions on individual projects and activities have already begun. Manitoba is the ninth province or territory to sign this type of multi-year framework agreement, which is intended to improve services to the minority language community and enhance the recognition of both official languages.

In Winnipeg progress was reported after a meeting between the SFM and provincial and municipal authorities regarding French-language services. Article 3 of the City of Winnipeg Act requires the city to provide some French-language services and municipal leaders have been discussing extending these obligations for some time. One sign of the city's determination to move forward was its Annual Report, which this year was made available in both English and French. Three other municipalities currently have official languages policies and St. Claude is studying similar policies. Three rural municipalities have declared themselves unilingual English. However, the Union of Manitoba Municipalities (UMM) rejected an anti-official languages resolution. The UMM's president suggested that this resolution might well have passed in previous years, but that attitudes towards minority rights had evolved in Manitoba municipal councils.

This year's appointment of a second Francophone judge marks the first time in two years that Manitoba will have two Francophone judges on the Provincial Court. The appointment should help relieve the backlog of cases which has arisen since the departure of another Francophone judge in early 1988.

A joint appeal by the SFM and the province to the Supreme Court of Canada was initiated on the question of translation of unilingual cabinet orders. The issue first arose in June of last year when the legality of the province's aboriginal justice inquiry was successfully challenged on the grounds that the cabinet orders establishing it were in English only. The court ruled that orders in council which affect the public must be in both languages. The province's response to the Court of Appeal judgment fell short of what the SFM had expected. This question follows the Supreme Court's earlier rulings that Manitoba's laws must be in both languages under the terms of the Manitoba Act, 1870. (See Part I, Chapter 3.)

The SFM has received a grant to prepare a "plan de développement global" which is intended to serve as a background document for negotiations on a Canada-Manitoba framework agreement. The report, which was made public towards the end of the year, is the result of extensive consultations carried out in 49 communities throughout the province. It follows up on the Francophone community's Estates-General held two years ago and its contents will provide a point of departure for negotiations with the federal government.

No doubt Manitoba's all-party constitutional task force will be of particular interest to the SFM, which presented a brief to the Bélanger-Campeau Commission on Quebec's future. Chaired by University of Manitoba Professor Wally Fox-Decent, the seven-member task force will follow up on the work of the province's Meech Lake Task Force and provide advice or priorities for future constitutional negotiations in areas such as Senate reform, the division of powers and constitutional proposals put forward in other jurisdictions.

In **Saskatchewan** it was a disappointing year marked by prolonged delays and few positive signs. The Minister of Education invoked legal and constitutional considerations, relating to the Mahé decision when he announced that the legislation to establish Francophone control and management of French-language education would be delayed. The explanation provided by the Minister did little to reassure the minority community as to the government's intentions. The Minister did, however, confirm that it was still the government's intention to proceed with the legislation. Members of the Francophone community are increasingly concerned about the lack of action and have urged the Saskatchewan government to reconsider the delay in introducing appropriate legislation which has postponed the implementation of the Gallant Report's recommendations until at least September 1991. The Prime Minister, the Secretary of State and the Commissioner of Official Languages all expressed their disappointment and Francophone groups organized demonstrations in Regina and Prince Albert.

This year also marked the official re-opening of the Collège Mathieu in Gravelbourg, which took place in February with more that 500 people in attendance. Collège Mathieu, which is one of the most important Fransaskois institutions,

was destroyed by fire in May 1988. It was rebuilt with the assistance of the federal and provincial governments.

Also in Gravelbourg, a group of Francophone parents is trying to establish a French-language public school. The Francophone community is divided between those who want a French-language school and those who support the status quo (80% French immersion). A petition for a French-language school has been presented to the Minister of Education. The opening in September of a private French-language school, École Beau-Soleil, seems to have resolved the issue, at least temporarily. Some 30 students are now attending the new school. Legal action has been initiated to obtain public funding.

If any reminder of the importance of minority language education were needed, a report on illiteracy in Saskatchewan's Francophone community was published this year. It concludes that three of four Fransaskois need to strengthen their capacity to read and write in French.

A number of Fransaskois groups have joined forces to improve information and to lessen the impact of isolation on their various communities. The groups, which include the Coopérative des publications fransaskoises, the Commission culturelle fransaskoise, the Association culturelle franco-canadienne (ACFC) and the Service fransaskois d'éducation des adultes, hope to create a veritable Fransaskois "electronic village" on a province-wide scale.

Early in the year ACFC issued a report entitled "À quand le respect de la Loi sur les langues officielles ?" The report highlighted the essential nature of federal government services to the Francophone community in Saskatchewan and urged the federal government to proceed with full implementation of the Official Languages Act. Minority communities have been waiting anxiously for policies and regulations since the Official Languages Act was adopted more than two years ago. Patience in the face of government inaction is understandably wearing a little thin. Draft regulations were finally tabled in Parliament at the end of the year.

In **Alberta** a number of small but very positive steps were taken in local education. However, the key issue of the structure and management of the minority language school system is still unresolved. Moreover, Alberta seems to be delaying a federal-provincial framework agreement until it has decided its response to the Mahé decision. The Minister of Education has acknowledged that policies and regulations regarding French-language schools will have to be re-examined in the light of the Mahé judgment. The Department has produced a discussion paper which looks at the various options through which community control and management of French-language education could be instituted. (See Part I, Chapter 2.)

The Fédération des parents francophones de l'Alberta (FPFA) expressed the opinion that the options presented in the discussion were too restricted. Calling

for a wider consultative process, the FPFA asked the Minister to "establish a special task force to study the situation and make recommendations that will guide the government as it prepares its forthcoming legislation." In an important move, the Alberta Teachers Association publicly supported both the idea of wider consultation and the principle of the "management and control of French minority language education by Francophones." The Alberta School Trustees Association has also expressed its support for the establishment of regional French-language school boards.

The Association canadienne-française de l'Alberta (ACFA) and the FPFA have jointly commissioned a study entitled "An Education System for Franco-Albertans". The final report is the result of extensive province-wide consultation and is intended to clarify the Franco-Albertan response to evolving education issues in the wake of the Mahé ruling. It identifies 16 principles which, according to the authors, should form the basis for development of an effective French-language education system. The recommendations seem to have a large measure of support within the Francophone community.

Throughout this process Francophone parents have continued to strongly advocate the establishment of homogeneous French-language schools as a fundamental requirement of any French-language school system. This was one key area where progress was made during the year. Francophone parents in St. Paul, who for five years have been trying to convince the school board to relocate students in three schools into one homogeneous French-language school, have finally succeeded. The decision by the school board came when the Minister of Education, Jim Dinning, intervened in the matter, after determining that there was a sufficient number of students to justify a homogeneous school. The new French-language school, which began operating in September, offers classes in grades 1 through 6.

A new French-language school also opened in September in Legal. The local school board had stated that the number of eligible students did not justify the creation of a separate program and had proposed busing students to the French-language school 35 kilometres away in Edmonton. The board changed its mind when the municipal council donated a building for the new school. ACFA has warmly welcomed the leadership of the government in both the St. Paul and Legal cases. It is also noteworthy that registration in French-language schools in Alberta has risen by about 10% since last year and 83% since 1985-86.

As the year ended the province agreed to the construction of a Francophone school in Calgary. The school will be part of the first Francophone school-community centre in western Canada. The project, which is intended to address educational, social and community needs, has received support from the Secretary of State and is expected to involve over 600 students when it opens. Secretary of State Gerry Weiner described it as a "historic development for Calgary's French-speaking community."

The Department of Education also announced a new financing policy under which school boards providing French-language schooling to children who reside in another jurisdiction would be automatically compensated by the other school board. The move is expected to simplify and encourage this type of arrangement.

With the help of funding from the provincial and federal governments the continuing education sector of the Faculté St-Jean has initiated its first literacy program for the Franco-Albertan community. Another piece of good news was the province's decision to provide the Centre culturel Marie-Anne Gaboury with a grant to help pay for renovations; the official opening took place in September. As a result of extensive community consultations undertaken by ACFA, FPFA and Francophonie Jeunesse de l'Alberta, these organizations have defined what they expect in negotiations of a framework agreement with the federal government. A report based on these consultations was presented in November at ACFA's annual convention, Rond-Point.

Franco-Albertans and other Albertans will have the opportunity to participate in the formulation of Alberta's constitutional positions through public hearings which began in the fall of 1990. The Constitutional Reform Task Force of Alberta, under the chairmanship of Intergovernmental Affairs Minister Jim Horsman, has been mandated to hold a series of round-table meetings as a first step in determining how Albertans want to participate in Canada's constitutional evolution. These hearings will lead to the preparation of a discussion paper and full public hearings throughout Alberta to establish the province's position on constitutional reform before the issue is debated in the Legislative Assembly.

CBC French-language services in Alberta did not escape the end-of-year cutbacks; virtually all French-language production in Edmonton, with the exception of the local newscast, was ended. These cuts raise additional questions about Radio-Canada's ability to reflect the diverse realities of Francophones across Canada. ACFA has launched a letter-writing campaign to sensitize the government to these issues.

At its annual convention ACFA also adopted a policy on inter-communal relations. The document, "Pour mieux vivre ensemble", is an ambitious attempt to establish a generous framework in which three national communities — Anglophones, Francophones and Native peoples — can better live together and contribute to Canadian society. The report is the product of extensive consultations within the Francophone community, as well as with other cultural and linguistic communities.

In **British Columbia** it was a year spent building the foundations for progress. British Columbia's Minister of Education indicated that the government intends to resolve the question of minority school governance. It has set up a task force

on French-language education whose mandate includes the question of "where numbers warrant" and the most appropriate way to implement Section 23 of the Charter of Rights within the British Columbia school system. The committee, chaired by Edgar Gallant, has been meeting since June and is required to submit a report by January 31, 1991. The government has accepted the principles defined by the Mahé decision, stating that it intends to pursue this objective in a "broad and generous manner".

In order to be prepared to participate fully in this debate of crucial importance to Francophones in British Columbia, as elsewhere in the West, the Association des parents du programme-cadre de français (APPCF) commissioned a report which examines the various models of control and management for French-language schools. The Xatruch report, which was made public in June 1990, proposes the creation of four French-language school boards for the province. The Ministry of Education is also funding a study by APPCF which will examine issues relating to community schools. The year saw the opening of the province's fourth French-language school, École La Vérendrye in Chilliwack. Moreover, the government has announced plans to spend $250 million for the teaching of several modern languages, including French.

Following the wave of unilingual municipal resolutions in Ontario, a few small rural municipalities such as Salmo and Montrose declared themselves unilingual English. However, it is not entirely clear what this actually means. In Salmo, for instance, when faced with an overwhelmingly hostile reaction to its resolution, the town attempted to clarify its position by noting that it intends to accommodate those who do not speak English. Several other municipalities either refused to consider or defeated outright proposed unilingual declarations.

Many municipalities, particularly the larger ones, have preferred to build on the daily reality of linguistic and cultural diversity within their communities and have adopted resolutions supporting tolerance and generosity in relations between Anglophones and Francophones. They include Victoria, Duncan, Nanaimo, Kelowna and the Greater Vancouver Regional District.

Communications continue to be a vital concern to minority language communities throughout the country. British Columbia's Francophone community is no exception. The Fédération des Franco-Colombiens (FFC) was critical of Radio-Canada's decision to reduce French-language service, including a local news program, "Actualités régionales". The FFC questioned the Corporation's commitment to its national mandate. The news was not all bad on the communications front as La francophonie's experiment with the global village finally reached British Columbia. TV5 has been available in Vancouver on Rogers Cable since September. Also on the cultural front, the opening of Vancouver's Maison de la francophonie was a long-awaited opportunity to celebrate the Francophone presence in British Columbia. The Commissioner was able to participate in the opening during his spring visit.

At the end of the year Premier Vander Zalm announced the creation of a Cabinet Committee on Confederation. The Premier stated that British Columbia intends to put forward proposals which enhance the regional fairness and equity of Canadian federalism. As a first priority the committee is to consider the most effective and appropriate way in which all the citizens of the province can participate in the process of developing new constitutional proposals. This openness can only be welcomed by linguistic minority communities which have too often felt excluded from the process of constitutional change.

The **Yukon** proved this year that small can indeed be beautiful, as it continues to be, among western jurisdictions, a model of openness and sensitivity to the needs of its Francophone community. Among the more significant developments relating to the long-term viability of the Francophone community in the Yukon was the adoption in May of a new Education Act. The law, which recognizes the right to French-language education and provides for control and management by the Francophone community, is an important step forward. The Association des Franco-Yukonais (AFY) has stated that it is fully satisfied that the law meets the Francophone community's requirements. Tangible progress was also made when the Minister of Education agreed to consolidate all the classes of École Emilie Tremblay under one roof. The French-language daycare centre, La Garderie, which opened its doors in February, moved next door to the school in October. National Health and Welfare provided the funds for necessary renovations.

The concept of a "centre scolaire communautaire" remains a key priority for the community. The Commissioner stressed the importance of this issue in his meeting with the Government Leader, Tony Penikett, in June. Meeting in September with AFY, Mr. Penikett confirmed his government's commitment to the idea. The government intends to conduct a feasibility study on the project.

The year also saw the first Report of Yukon Government on Official Languages. AFY was satisfied that it accurately reflected the expectations of the Francophone community in the Yukon.

AFY held further meetings with federal departments during 1990. This resulted in the adoption by Indian and Northern Affairs of an action plan that was well received by the Francophone community and may serve as a model for other departments. Another example of the usefulness of this AFY strategy was the decision by Canada Post to staff a permanent bilingual position in Whitehorse. The sustained commitment of AFY to working with various federal departments on improving French-language services in the Yukon is an example for community action elsewhere.

AFY has also created a committee to develop an information strategy aimed at the majority community. It is hoped that this initiative will result in improved understanding between the two communities.

In the **Northwest Territories** progress has been slower than anticipated and much slower than might have been hoped. The issue of the status of several aboriginal languages continued to occupy the Legislative Assembly, which created a special committee to recommend legislative changes to the status of aboriginal languages. In January the Special Committee on Aboriginal Languages met with officials from our Office to exchange perspectives on the status of English, French and aboriginal languages. The fact that French-language services were proceeding more rapidly than services in the native languages did, however, create some resentment. The Commissioner's position has always been sympathetic on issues of aboriginal language rights and supportive of providing services in those languages. He has often reiterated his belief that it is important to enhance native language education and preserve aboriginal languages, and that the problems of one minority should never be solved at the expense of another. The Fédération Franco-TéNOise (FFT) encouraged the government to proceed with both and publicly supported legislation (Bill 27) which amended the Northwest Territories Official Languages Act, conferring on six native languages the same official status as English and French. While some claim having two official languages is one too many, the Northwest Territories has rejected that position and now has eight official languages.

Towards the end of the year, Parliament was asked by the Legislative Assembly to concur in an additional amendment to the Northwest Territories Official Languages Act. The legislation, Bill C-92, adopted by Parliament in November, amended the Northwest Territories Act in order to delay the requirement that all laws be in both English and French by December 31, 1990. The new deadline is April 1, 1992. It was disappointing to the Francophone community in the Territories that not all the laws are yet available in French by the date specified in the Territories' Official Languages Act. These obligations were first undertaken by the Territory in 1984 and then subsequently delayed. This second delay appears to have been caused in part by the enormous task of revising and consolidating the Territories' statutes currently underway in English. Federal officials in the Departments of Justice and Secretary of State, who have a wealth of experience in legal translation, are now satisfied that after a difficult start the work is proceeding at a reasonable pace.

However, all the other provisions of the Northwest Territories' Official Languages Act were due to come into effect on December 31, 1990. These are in many respects more crucial to the vitality of the Francophone community. They include equal status; the right to use French in the legislature; notices to the public and written instruments in French; the right to use French in the courts; written decisions of courts and administrative tribunals in French; the journal and records of the legislature in French; and, most importantly, the right to receive services in French, where there is significant demand, from the head offices of territorial institutions, or where, due to the nature of the office, it is reasonable to provide French-language services. This is a considerable undertaking and the

Francophone community fears that it may take some time to implement these services fully. In a meeting with senior territorial ministers, the FFT asked that it be consulted as to the ways and means of implementing of these services. The government assured the Francophone community that it intends to expedite implementation. The assurances were highlighted by Robert Nicholson, Parliamentary Secretary to the federal Minister of Justice, during the debate on Bill C-92, when he stated:

> "The Minister of Justice of the Northwest Territories has assured us, and other ministers of the Territorial Government have confirmed, that the delay in bringing their laws into effect in both English and French will not have any impact on the requirement of the territorial law that services in both languages will be available from the Territorial Government as of January 1, 1991. That was an important factor in the government's decision to seek concurrence by Parliament."

While the delay in full implementation is regrettable, reasonable progress on other fronts, such as increased consultation of, and improved co-operation with, the Francophone community, would go a long way towards responding to the needs of that community. In his November 1990 meeting with territorial ministers the Commissioner emphasized that the delay in translation would be acceptable only if sufficient assurances are provided that no further delay will occur and that the translation of the legislation will be expedited. He expressed disappointment with the inadequate planning for the January 1, 1991, deadline, underscored the need to ensure the adequate availability of French-language services and raised the issue of Francophone control and management of French-language educational facilities as provided for in the Mahé decision. In his view this issue is not and must not be a competition between the supply of services to the aboriginal and Francophone communities. Commitments to both must be respected by local governments. These messages were also communicated to the federal Department of Justice and the Secretary of State.

The FFT and Association franco-culturelle de Yellowknife (AFCY) have commissioned a study to evaluate the need for and feasibility of a Francophone community centre. Phase one of the study retained two options, a "centre scolaire communautaire" or a "maison de la francophonie" along the lines developed in Vancouver. The study is proceeding with phase two.

The Association des parents francophones de Yellowknife believes that in the wake of the Mahé decision parts of the Education Act may be unconstitutional and has begun court action. Following a meeting with representatives of Francophone associations, the government has discussed the possibility of the creation of a parliamentary committee to examine the question. It is still hoped that differences can be resolved by negotiation rather than by litigation. The Northwest Territories' Minister of Education tabled a report on language rights in edu-

cation in November; the document is intended to be part of a wider consultation process.

There is at last some light at the end of the tunnel regarding the longstanding issue of French-language television service by Radio-Canada in Yellowknife. Negotiations between the Secretary of State, the CBC, the FFT and AFCY have resulted in an agreement under which the Secretary of State and AFCY would help defray the cost of the service. It is hoped that services might be available as early as 1991.

Ontario

"In the space of two decades, the Franco-Ontarian community, which had suffered from low expectations, has become self-confident. Now that it is aware of its collective strength it does not hesitate to assert its rights vigorously whenever it feels they are challenged." Gérard Bertrand, former Chairman of the French Language Services Commission established following adoption of the French Language Services Act (Bill 8) in 1986, knows whereof he speaks and had this to say about the Franco-Ontarian community's remarkable development in recent years. That community, some 500,000 strong, continued to make gains in 1990.

In the introduction to this part we touched on the vitriolic debate in a number of Ontario municipalities over official languages and the slow but persistent decline in language transfers. This section first reviews a few major events and emphasizes some positive points which we feel have not received the attention they deserve. After discussing unilingual municipalities, government services and social and health services we address elementary and secondary education and then colleges and universities. Following this, we analyse language issues addressed in the Ontario election and emphasize Premier Rae's excellent measures in this regard. We conclude with a look at certain aspects of the life of Franco-Ontarian communities and associations.

Official Languages in municipalities

The year got off to a very poor start indeed. Militant groups had long been trying to convince Ontarians that they should declare themselves unilingual English and municipalities were their target. In support of their cause they called attention to the allegedly exorbitant cost of bilingualism and the imaginary threat of fewer jobs for Anglophones as a result of Bill 8. The arguments already enjoyed a certain currency among some mayors and municipal councillors. The costs of all French-language services, however, represent less than one-half of one percent of Ontario's budget and some are even shared with the federal government. Furthermore, Bill 8 does not force municipalities to provide services in French but simply allows for that possibility. On January 29, 1990, in response to a 25,000-name petition, Sault Ste. Marie city council passed a resolution declaring English the city's language of work and official language. Two weeks later Thunder Bay followed suit. Sixty-two municipalities, most small and representing less than 9% of Ontario's population, did the same in the first three months of the year.

These municipal councils remained unmoved by Francophone protests. The then premier of Ontario, David Peterson, condemned the resolutions. The Association canadienne-française de l'Ontario (ACFO) established a solidarity fund to show its support for the Francophone communities in question; Canadian Parents for French and many English-speaking citizens declared their opposition to the unilingualism resolutions and called for tolerance and openness to other linguistic groups. The Commissioner strongly criticized the resolutions, pointing out that they not only hurt minority Franco-Ontarian groups but were also completely futile and represented a threat to Canada as a whole. "Events resulting from the declaration that Sault Ste. Marie intends to be a unilingual city go far beyond municipal affairs," he said, putting events in perspective. "They have a far-reaching and profound impact on Canada as a whole. In our view, it is a thinly veiled attack on the very principle of language duality in its various forms."

In the House of Commons the Prime Minister called the municipal unilingualism resolutions "regrettable denials of some of Canada's fundamental values." On behalf of the Liberal Party Herb Gray said, "I hope all Canadians will agree with me that you do not build yourself up by tearing someone else down." Lorne Nystrom, speaking for the New Democratic Party, said it was "very important that this House take a very firm stand, and a very quick stand in support of duality." On February 15, 1990, the House unanimously and unequivocally adopted a special motion tabled by the government in response to the municipal resolutions: "That this House reaffirms its commitment to support, protect and promote linguistic duality in Canada...".

Although none of the 64 municipalities revoked their unilingualism resolutions their fervour subsequently abated, as we had predicted in February. Many other municipalities also came out in favour of an official languages policy and demonstrated an open-minded attitude towards their Francophone citizens. In February Toronto mayor Art Eggleton expressed his disapproval of municipalities that had declared themselves unilingual, saying, "We have to show all Francophones outside Quebec that they have the City of Toronto's unconditional support in their fight for bilingualism." Toronto promised to provide its municipal and police services in French. Mayors of five other major Ontario cities supported Mr. Eggleton. More than 30 Ontario municipalities representing 39% of the province's population then spontaneously adopted policies for the provision of services in French or in both official languages. The Federation of Canadian Municipalities made recommendations and issued directives encouraging municipalities to provide their services in both languages and informed them of methods for doing so.

Several weeks after the Sault Ste. Marie resolution, Gisèle Lalonde, mayor of Vanier and sponsor of the new Association française des municipalités de l'Ontario, said in an April 5 speech that, despite the wounds caused by the crisis, Francophones could increasingly expect their rights to be recognized. Further-

more, an Environics poll conducted in May 1990 revealed that 59% of Ontarians were in favour of the use of both official languages across the province. Lastly, in a majority vote at an August plenary session the Association of Ontario Municipalities passed a resolution in favour of the provision of municipal services in both languages. In Chapter 1 we discussed the national impact of the actions of promoters of municipal unilingualism and the Brockville incident which, although it occurred in September 1989, only really came to Quebecers' attention in early 1990.

French Language Services Act

Despite recent incidents at the municipal level there is no denying the real linguistic progress that has been made in Ontario. November 19, 1989, when Bill 8 went into effect, is a memorable date in the province's annals because it was on that day that Ontario officially began experiencing linguistic duality. The Act recognizes that "the French language is an historic and honoured language in Ontario" and that it enjoys the status of official language before the courts and in education. Furthermore, "a person has the right...to communicate in French" in dealings with the head or central offices of government institutions and with regional offices located in 22 designated regions where major Francophone populations live.

Since adoption of the Act a minister responsible for Francophone Affairs supported by a permanent Office has been supervising the legislation's implementation. Major provincial government institutions, including 29 departments and eight other public agencies, have adopted French-language services implementation plans. Guidelines prepared by the Office of Francophone Affairs have been sent to government institutions in Greater Toronto and in the 22 designated regions. Some 5,000 positions representing 6.2% of all provincial public service positions have been designated for the purpose of providing services in French. The Ontario government this year published a directory of services it provides to the public, including a map of regions designated for the purposes of Bill 8.

Franco-Ontarians have recognized the importance of the Act. In 1990 outgoing ACFO President, Rolande Soucie, talked about French-language services: "With the legislative progress made in recent years, Franco-Ontarians can now say, 'This is our right'." However, a number of members of the Francophone community have pointed to weaknesses in French-language services and demanded supervisory and audit mechanisms. Some are suggesting an ombudsman be made responsible for language matters and that a parliamentary committee on language be established similar to that created by the federal government, a proposal which the Commissioner discussed with Premier Rae. Still others pointed out that it might be helpful to have an independent mechanism similar to the ministerial advisory committee established by the Peterson government and made responsible for monitoring implementation of Bill 8.

The Ontario government's language program is not restricted to its own institutions; a number of other public and community organizations have been desig-

nated under a special agreement as providing services in French. The Royal Ontario Museum in Toronto, for example, is proud to provide guided tours in French. The Office of Francophone Affairs receives and handles public complaints concerning the French-language services of provincial agencies. In 1989-90 the Office received 220 complaints. Lastly, amendments made to the Law Courts Act in 1990 gave official sanction to the right of Francophones to a civil trial in French in the province's designated areas. Francophones are increasingly using this right: in his 1989 Annual Report provincial Chief Justice William Howland observed that 2,716 cases had been heard in French, a 20% increase over the previous year.

Health and social services

Franco-Ontarians have long complained that it is difficult to gain access to health and social services in French. It is possible under Bill 8 to designate certain hospitals and social service centres as institutions providing services in French and to obtain government assistance for this purpose. Some 30 hospitals and social service centres, particularly in eastern and northern Ontario, have received this designation and are offering services in French. The new Centre médico-social in Toronto has been an immediate hit, with more than 1,000 Francophone clients reporting for consultations since it opened less than a year ago. The Centre plays an important role in co-ordinating French-language social services. As well, no fewer than 37 French-language community associations and centres received special grants from the Office of Francophone Affairs. Major achievements in the health field include language training and guides and lexicons to help English- and French-speaking health professionals serve their Francophone clients more effectively. While the province still has much to do in this regard, Bob Rae, then Leader of the Opposition, expressed optimism after visiting northern Ontario with a task force on health care.

ACFO and other associations have reported a need for daycare centres. André Nadeau wrote in *Le Droit* that Francophone daycare services are doubly penalized because of the province's scattered and low-density Francophone population. In the Speech from the Throne on November 20, 1990, the Lieutenant-Governor of Ontario, Lincoln Alexander, said, without specifically mentioning French-language daycare, that government programs and policies would change to reflect new realities affecting family life and the increased presence of women in the labour market.

Primary and secondary education

Although the Ontario government has improved its services in French it has made its most remarkable progress in education and professional training. In 1989 the government established autonomous French-language school boards in Ottawa and Toronto and since then some 20,000 students have enrolled in the 57 schools managed by the two boards. The other 75,000 Franco-Ontarian students studied in 300 schools governed by 65 joint school boards comprising Anglophone and Francophone representatives. Under the Education Act Francophone board members forming an advisory committee or French-language section

within joint school boards enjoy special powers over the management of Francophone schools and classes but such powers are generally shared with the board as a whole. The Act also clearly provides that Francophone children are entitled to instruction in French. Now that the Ottawa and Toronto experiments with French-language school boards have been completed Francophones in other regions who are dissatisfied with their minority status on joint boards are in turn seeking independent boards. Some began making these demands a number of years ago and have long threatened legal action which, in light of the March 1990 Supreme Court decision in the Mahé case, they now think they can win. This was the case in particular of representatives of the French-language schools in Prescott-Russell county, where, at the conclusion of a special study in 1987, the government had recommended establishing a French-language school board.

For the first nine months of the year the Liberal government refused to establish other French-language school boards. It agreed, however, to review the Education Act with a view to increasing the number of Francophone representatives sitting on joint school boards and in June established a task force responsible for developing criteria and procedures for the creation of other French-language boards. Lastly, in November, the NDP Education Minister, Marion Boyd, announced that an advisory group on the management of French-language education in Ontario would be established and that the government intended to table amendments to the Education Act permitting the creation of other French-language school boards. The Minister also began consultations on the creation of new French-language boards in Prescott-Russell and Simcoe counties.

Despite the fact that the Lakehead School Board refused to provide French-language classes for 17 Francophone students, solid initiatives were nevertheless undertaken in northwestern Ontario. The Geraldton School Board announced construction of that region's first French-language secondary school. The Nipissing School Board in North Bay opened the district's first French-language public school. Public and separate school boards in Kingston and London also looked into the possibility of establishing French-language secondary schools. Lastly, it was announced that French-language public schools would open in Rockland and Cornwall.

The isolated regions of Ontario have a shortage of Francophone teachers qualified to teach technical and scientific subjects. The province is not training enough French-language teachers to meet demand and is forced each year to hire nearly half its new teachers from outside the province, mainly from Quebec and the Maritimes. For that reason the Teacher Education Council of Ontario began a study of this topic. Its findings should be available in spring 1991. A second related study, on the language skills of teachers in French-language schools, will soon be under way. (See Part V for additional information on teacher shortages.)

Statistics prepared by researcher Roger Bernard and published in 1990 by the Fédération des jeunes Canadiens français reveal that 21.5% of Franco-Ontarians

have received no secondary education, a figure twice as high as that for Ontario Anglophones. The importance of literacy programs is increasingly recognized in the Francophone community. In a June 1, 1990, editorial in *Le Droit*, Adrien Cantin wrote: "It has thus become urgent that the Franco-Ontarian community ensure that it gives each of its members the means to achieve these levels of excellence. The most important step is to teach those who cannot do so to read and write." We were therefore delighted to learn that a Franco-Ontarian Literacy Resource Centre had opened in Sudbury. The centre promotes literacy among Franco-Ontarians with the co-operation of the Ministry of Education and the National Literacy Secretariat, a component of the Department of the Secretary of State.

Colleges and universities

Remarkable progress was made in post-secondary French-language instruction programs in 1990. Cité collégiale, a French-language applied arts and technology college, in its first year enrolled an impressive number of students (2,100) at its main Ottawa campus and affiliated campuses in Hawkesbury and Cornwall. Nearly 1,000 students came from the bilingual Algonquin College in Ottawa. Cité collégiale has 160 full-time teachers and offers students 70 instructional programs. Temporarily located in buildings on St. Laurent Boulevard in Ottawa, the college's head office is to move to its permanent campus in 1994.

With Francophone interest in other regions of the province stimulated by the opening of Cité collégiale, the Peterson government established two advisory commissions on April 5, both chaired by Jean-Louis Bourdeau, to study French-language college services in northern and south-central Ontario. During the commissions' hearings a number of representatives of Francophone communities in those regions drew attention to the fact that Franco-Ontarians tend to be undereducated and that there is thus an urgent need to create homogeneous Francophone institutions. In an editorial published in the March 28, 1990, edition of the Hearst weekly, *Le Nord*, Pierre Albert wrote: "It all starts with education. Vitality comes with knowledge. The benefits to be derived from the presence of top-quality French-language college services...are innumerable."

Other Francophone community leaders have continued the debate, claiming that the educational catch-up efforts of Francophones will depend not only on Cité collégiale's impact in eastern Ontario but also on the establishment of a full network of French-language colleges in all parts of the province. The New Democratic Party was an ardent supporter of this project when it was in opposition and, in a brief to the advisory commission on behalf of the party, Richard Allen, Minister of Colleges and Universities since last October, wrote:

> The Ontario New Democratic Party is in favour of Francophone management of Francophone educational institutions... [It] supports the creation of a network of French-language college institutions...[and] would like to see an increase in the funding provided to the colleges.

In reports to the government on October 15 both commissions essentially recommended that two new French-language colleges be founded in September 1992, the first serving the some 2,500 Francophone students in Northern Ontario, the second 1,000 students in the southwest. The commissions also proposed the establishment of a Conseil provincial des services collégiaux de langue française. Mr. Allen announced late in the year that he would submit recommendations to cabinet based on the two reports.

The Francophone community may have been unanimous in demanding a network of French-language colleges but opinion is divided on the subject of a French-language university because of the impact it might have on existing bilingual institutions. A number of public figures defended Ontario's bilingual universities: the University of Ottawa, Laurentian University in Sudbury, Hearst's Collège universitaire and York University's Glendon College in Toronto. Marcel Hamelin, for example, who became the University of Ottawa's new Rector in January 1990, promised to adopt a French-language promotional policy at his institution: "I definitely intend to give...priority to developing a productive, effective and mutually respectful collaborative relationship between the University of Ottawa and the Franco-Ontarian community.....The University has striven to expand the scope and quality of its services in French...". In 1990 the University of Ottawa, most of whose students are Anglophone, offered 131 programs in French and 179 in English; it intends to increase the number of French-language programs and to ensure that all its undergraduate science programs are provided in French by 1992. At year's end the University Senate announced a five-year plan to bring about full bilingualism and to provide all its programs in both English and French.

The option of a homogeneous French-language university also appears to be gaining ground, particularly in light of the results of the historic, yet quite different approaches of the French-language university in Moncton and Anglophone universities in Quebec. A study conducted by Dr. Anne Gilbert for ACFO, the report of which was published in December, shows that no fewer than 15,322 French mother tongue students were enrolled in Ontario universities in March 1990. Of that number, 8,767 were studying on a full-time basis. The study pointed out that this clientele was larger than that of a number of Ontario universities and of the University of Moncton. It also revealed that more than 500 professors at bilingual universities in Ontario are native French speakers and that hundreds of others have a solid knowledge of French.

Based on this study and its own position on the issue ACFO concluded that Francophone Ontario has the necessary resources to establish a French-language university and expressed the hope that the matter would receive all the attention it deserves. ACFO's new president, Jean Tanguay, declared: "The Francophone community of Ontario already has a number of resources that would enable a French-language university to meet the twofold challenge of performing

traditional teaching and research functions and providing Francophones with the instruments they need to develop and to move with confidence into the 21st century." While the Opposition, the NDP was in favour of a French-language university for Ontario. In November a group of 150 academics seeking the establishment of such a university in the province founded the Société des universitaires de langue française de l'Ontario.

Election Premier Peterson called a general election on July 30, 1990, scarcely two years after winning his mandate. While not putting the language issue front and centre in the election campaign the premier did not ignore the matter either. The government and official opposition both supported Bill 8 and, in some regions of the province, had to face determined opponents. A new party, the Confederation of Regions (CoR), even proposed the repeal of Bill 8 and fielded 32 candidates in the election. Conservative Party leader Mike Harris, who was elected in May, accused the government of imposing bilingualism on Ontarians. Even though he had voted in favour of Bill 8 in 1986 Mr. Harris expressed the view that its implementation had been an inefficient and costly process. Mr. Peterson was thus required to defend his language policies on a number of occasions during the campaign; he told his detractors he had no immediate plans to make provincial bilingualism official (i.e., to entrench it in the Constitution). The NDP leader supported not only French-language services under Bill 8 but also the eventual recognition of official bilingualism in Ontario and "the establishment of a standing committee of the Legislative Assembly on Bill 8 and Francophone Affairs."

When polling stations tallied the votes on the evening of September 6 the NDP had won 74 seats to 36 for the Liberals and 20 for the Conservatives. No CoR candidate was elected and the party received only 2% of all votes cast in the province and 8% in ridings where it had fielded candidates. Upon being sworn in as premier on October 1 Mr. Rae emphasized social and economic issues and, speaking several times in French, hastened to confirm his positive measures for the Franco-Ontarian community on certain key issues. The new government soon committed itself to implementing Bill 8 and expressed its interest in plans to establish new French-language colleges and school boards as well as health and social service centres. In a subsequent statement Mr. Rae indicated he did not plan to entrench bilingualism in the Constitution during his first mandate. The Franco-Ontarian community will long be grateful to former Premier Peterson for his sense of justice and the considerable progress achieved during his mandate. It can only rejoice, however, at the election of his successor and of other leaders who are aware of the importance of linguistic duality and the Franco-Ontarian community and are clearly determined to make progress on those fronts.

On December 19, 1990, Premier Rae announced in the Legislative Assembly the establishment of a Select Committee on Ontario in Confederation whose mandate would be to study the interests and social and economic aspirations of the

population and to determine the federal model most likely to accommodate them. Mr. Rae said the Committee would hold hearings across the province in February 1991 and would report to the legislature in March.

Franco-Ontarian community

The Francophone community in eastern Ontario still has its daily newspaper, Ottawa's *Le Droit*, and French-language weeklies are published in a number of other regions. The Ontario government announced in August that it would make TVOntario's La chaîne française, which had previously enjoyed only temporary status under a federal-provincial agreement, a permanent fixture. We are pleased with this decision because *La chaîne française* offers high quality programming. This year it broadcast some 107 educational programs a week and reached Francophone households in all regions of the province with the exception of a few in northern Ontario. However, the Toronto Francophone community was horrified to learn on December 5 that its station, CBLFT, was to close as a result of budget cutbacks at the Canadian Broadcasting Corporation and that $4 million would be slashed from the budget of Ottawa's French-language station, where services were to be restructured. That station had done double duty by serving the Francophone community in western Quebec in addition to eastern Ontario. The cutbacks, which also affected the CBC's English network services, raised a public outcry in December.

The Festival Franco-Ontarien once again drew record crowds in Ottawa in mid-June. Other festivals organized in various parts of the province were also successful, particularly La Nuit sur l'étang in Sudbury and Toronto, where the Saint Jean-Baptiste Festival continued its 10-year tradition. The Ontario Arts Council (OAC) published a report containing recommendations in support of Franco-Ontarian theatre. The report's authors asked the OAC to establish administrative structures to respond more effectively to the needs of small theatre companies such as the Franco-Ontarian troupes. There are nearly 50 Francophone professional actors and some 400 amateurs in the province.

The Association canadienne-française de l'Ontario had a busy year in 1990. Seriously shaken by the constitutional debate surrounding the Meech Lake Accord and by budget cutbacks, it was forced to make considerable efforts to promote mutual understanding and respect between the two linguistic communities, particularly when its representatives appeared before the Bélanger-Campeau Commission in December. Under the direction of its President, Jean Tanguay, ACFO participated in the Ontario election campaign this summer by sending the political parties questionnaires on major Franco-Ontarian issues and publishing survey results. The Association took part in a number of debates, particularly those concerning French-language post-secondary education, the establishment of French-language school boards, the introduction of Francophone daycare centres and the defence of French-language community radio. ACFO also took an active part in the Coalition pour la télévision française en Ontario and in the protest movement against the closing of CBLFT in Toronto and the budget

cutbacks announced by the CBC in December. It has taken a keen interest in implementation of the 1988 Official Languages Act and its regulations. The Association also consulted widely with the Franco-Ontarian community through questionnaires and regional conferences in preparation for its annual general meeting in June 1991. Lastly, the Association interculturelle franco-ontarienne was founded in 1990. The organization is a counterpart of the two-year-old Association multiculturelle francophone de l'Ontario and a sign of the Franco-Ontarian community's cultural diversity. The Association's mandate is to help its members, who are Franco-Ontarians of various ethnic origins, to integrate into Ontarian society and, more particularly, into the Francophone community.

Although all is not perfect there has been undeniable progress in language matters in Ontario. Proof came in a statement by the Fédération des francophones hors Québec: "Ontario started off quite a distance back and today has come a long and impressive way....In a national perspective...the province is undeniably cutting a solid figure." We can only recommend that it continue along that path.

Quebec

"I believe the Anglophone community ought to be aware of everything happening in Quebec in the Francophone community." These words of Norman Webster, editor of the Montreal *Gazette*, signify the new spirit of participation of the 700,000 English-speaking citizens in the larger society of Quebec, which also includes 450,000 people whose first language is neither English nor French and some 5.5 million Francophones. The Anglophone community, representing more than 10% of the population, appeared to have abandoned its traditional isolation and broken down the two solitudes noticeable in the past. There were several signs of this progressive change this year, as English-speaking Quebecers, while retaining their own identity, sought a rapprochement with the Francophone majority. English-speaking members of the National Assembly took leading roles in the political life of the province, Anglophone commentators published articles in French-language newspapers and appeared on French television and lobby groups of the minority community intervened in public issues, often in French. And there was evidence of favourable Francophone reaction to this trend. For instance, Louis Bernard, a former associate of the late René Lévesque and currently vice-president of the Laurentian Bank, spoke to the Bélanger-Campeau Commission of common interests that Quebec has with English-speaking Canada and Léon Dion, political science professor and adviser to Premier Bourassa, stated that even an independent Quebec would have to "include the rights of its Anglophone citizens in its statutes."

Over the years thousands of ordinary English-speaking Quebecers have changed their attitudes towards the French language and there has been a remarkable progression in their bilingualism. From a community which was largely unilingual

English a generation ago there have emerged no fewer than 384,000 persons who now say they are bilingual; this is close to 60% of all Anglophones in the province. These 1986 census findings were confirmed this year by an Alliance Quebec poll which showed that 60% of English-speaking Quebecers use their second language every day, especially at work and when shopping. It also showed that young people were making the greatest efforts and in the past five years had considerably improved their ability to speak French. A study for this Office, conducted in the Quebec part of the National Capital Region, produced similar findings. One-half of the 216 Anglophone respondents said that they are fluently bilingual and often speak French with their friends at work and in other daily activities. Moreover, over half of the respondents with children were having them educated either in French or in both languages.

In our review we begin with a look at the Commission on Quebec's Political and Constitutional Future, proceed to an assessment of the province's French-language programs and discuss a special review of the sensitive area of immigration. We then examine minority schools, both primary and secondary, as well as post-secondary education, before looking at the municipal sector and health and social services. We go on to analyse Anglophone participation trends in government offices and look at cultural affairs. We conclude with a section on the activities of minority associations.

Constitutional Commission

On September 4, 1990, the National Assembly unanimously adopted Bill 90 to establish a commission to examine Quebec's political and constitutional future. In its preamble Bill 90 stated that "Quebecers are free to assume their own destiny, to determine their political status and to assure their economic, social and cultural development" and that "it is necessary to redefine the political and constitutional status of Quebec". It also affirmed that this objective must be pursued "in a spirit of fairness and open-mindedness respectful of the rights and institutions of the English-speaking community of Quebec." The Commission was given the mandate to analyse and make recommendations on the political and constitutional status of Quebec. It was asked to conduct any necessary research, hold public hearings and report to the National Assembly no later than March 28, 1991. Two co-chairpersons were appointed: Michel Bélanger, former president of the National Bank, and Jean Campeau, President of Domtar and former head of the Caisse de dépôt. Thirty-five other members were named to the Commission from the political parties of the National Assembly and the House of Commons, municipalities, business and unions, as well as from the co-operative, educational and cultural sectors. The Commission includes three Anglophone members with voting privileges: Cheryl Campbell-Steer of an accounting firm, Russell Williams of the Quebec Liberal Party and Richard Holden of the Equality Party. Robert Libman, leader of the Equality Party, can attend Commission meetings but has no vote.

The Commission began its hearings in Quebec City on November 6 and was due to complete them early in 1991. In his opening address to the Commission,

Premier Robert Bourassa said that Quebec was forced to examine its political and constitutional future because of the failure of the Meech Lake Accord. The work of the Commission would be critical and of historic importance to the evolution of Quebec. Premier Bourassa emphasized the need for a sound constitutional structure to allow for a healthy economy, on which social and cultural progress depend. He also stressed Quebec's commitment to the democratic process and respect for individual rights and freedoms. The debate on the political and constitutional future of Quebec would not, the Premier said, neglect the important role that the English-speaking community plays in Quebec society.

In order to present a comprehensive brief to the Commission, Alliance Quebec undertook an unprecedented consultation with the English-speaking community in the fall of 1990. Two basic questions were put to its members: "What does the English-speaking community consider essential to assuring a secure future in Quebec for itself?" and "What are the means by which these needs can be met?" No fewer than 241 round table discussions were held throughout the province with more than 2,500 individuals and the conclusions were distilled into a single brief which Alliance Quebec representatives presented to the Commission on December 18.

The brief presents as its first message to the Commission that the English-speaking community is determined to "participate positively and thoroughly in the discussion of Quebec's future" but is at the same time anxious that it is not accepted fully by the majority community. There is a grave concern for the protection of English-speaking institutions, whether educational, cultural or in the field of health and social services. While stating that the English-speaking institutions must be preserved the brief also argues that this legitimate concern of the minority community in no way compromises the welfare of the French-speaking majority. There are worries about the aging and the decline of the Anglophone population. The brief reveals apprehension for the protection of minority rights and freedoms and in particular criticizes the ban on the use of English on outdoor commercial signs. It attacks the notwithstanding clauses in both the Canadian and Quebec Charters of Rights, asserting that "Charter rights if they are to mean anything at all must be insulated from the reach of political purpose or the vagaries of a social mood or climate."

The brief affirms that the majority and minority communities of the province are not in a "zero-sum game" in which what one side wins, the other loses. Rather, it suggests that both can win if they co-operate and remain committed to each other. It also emphasizes the efforts of the English-speaking community to participate more fully in the Francophone society of Quebec; 49% of English-speaking Quebecers now believe that they have "a *personal* role to play in the promotion of the French language in Quebec."

Finally, the brief warns against any premature severing of links between Quebec and the rest of Canada while recognizing that the current federal structure

requires reform. In a section entitled "Towards Renewal" the brief, without prescribing any new constitutional structure in particular, nevertheless outlines three principles which should govern the process of establishing this structure: there should be mechanisms for the provision of policies for a strong macro-economy; there should be guarantees for minority rights; and the French language and culture should be promoted within a pluralistic society.

Several other Anglophone minority associations also consulted their members and presented briefs to the Commission. By and large, these briefs took up concerns similar to those of Alliance Quebec, often adding particular regional dimensions. Of particular note was the brief of the Quebec Farmers' Association, which outlined the contributions of federal agricultural policies to the Anglophone farming community and the requirement for continuing programs of support in an era of changing constitutional structures.

The Charter of the French Language

The increased participation of the English-speaking community in the majority society had a positive impact on government programs to promote the French language in Quebec. Although the number of complaints to the Commission de protection de la langue française was up by 26% this year, there seemed to be greater acceptance by businesses generally, Francophone as well as Anglophone, of the requirements of the Charter of the French Language both in terms of signage and francisation programs in the workplace. Nevertheless, Bill 178 banning the use of English on outdoor commercial signage remained intensely unpopular in the Anglophone community; many still resent it. However, while English-speakers outside Quebec viewed this legislation with unreserved hostility, Anglophones in Quebec were aware that it did legalize the use indoors of English on commercial signage for the first time since 1977. Claude Ryan, the minister responsible for application of the Charter, reported this year that merchants were, in general, complying better with the signage legislation than in the past. By way of example, he said that even in a district of west-end Montreal this year there was a signage compliance level of 82% compared to only 64% in the same district in 1989. Moreover, Ludmila de Fougerolles, president of the Commission de protection de la langue française, was able to report progress in the Commission's dealing with the business community. The Commission sent out only 65 warnings about signage offences in 1989-90 compared to 382 one year earlier, and 12 stores were prosecuted during that time as opposed to 104 during the previous year. While Mme de Fougerolles noted that part of the reason for this success was improved procedures by the Commission itself, including a more direct and personal approach to potential offenders, she also observed a greater sensitivity to the requirements and objectives of the Charter.

At the same time progress was achieved in the francisation of the workplace. Claude Ryan reported early in 1990 that some 3,000 francisation certificates, which show that French is the general language of work of an organization, had been issued to businesses and that 71% of firms with more than 50 employees had obtained their certificates. Close to 800 other companies, a further 18%, had

francisation committees preparing programs to obtain their certificates. Major changes in internal communications, signage, management practices and employee relations had been achieved to establish French as the principal language of work in these companies. Following a study of the subject, Guy Pinard of *La Presse* observed: "The francization of businesses has been long in the making but, given the complexity of the process and the changes in the behaviour of businesses and employees, the time factor has lost its importance when compared to the undeniable scope of the change." Mr. Pinard did observe that weaknesses in the francisation program still remained, for instance in sectors using high technology or employing immigrant workers, two areas highlighted last year in a study conducted by representatives of industry, unions and the government (le Groupe tripartite). But progress was made even here. Mr. Pinard reported that IBM Canada was one of the strongest francisation performers and that in some cases new information technologies have helped promote French in the workplace. He also reported that immigrant workers were being employed in Francophone businesses in larger numbers. However, one area of potential weakness was that of firms with less than 50 employees. These are not required to have francisation programs and Mr. Pinard suggested that francisation initiatives on a sector-by-sector basis could be useful for smaller firms.

If many in the English-speaking community accepted the francisation programs, others continued to voice opposition, especially with regard to the signage legislation. One firm in west Quebec refusing to obey the law was eventually fined $30 in a Hull court. While there was talk of rallies against Bill 178, the protest meetings this year were few and far between. Robert Libman did speak out against the legislation, comparing it to the unilingual English resolution passed by Sault Ste. Marie in January 1990 and calling for a campaign of civil disobedience. However, Mr. Libman's call was apparently not heeded by enough English-speaking Quebecers and he later sought to modify his remarks after being disavowed by Alliance Quebec, the Montreal *Gazette*, and many other Quebecers, both Anglophone and Francophone.

The issue of the province's French road signs came under close scrutiny. In the past minority spokespersons have voiced concerns about the risk of Anglophone motorists misunderstanding French signs important for their safety. In response, Claude Ryan appointed a task force of public servants from several ministries to study the subject. The task force, which reported in July, found that the language of road signs did not appear to have caused any accidents but conceded that the use of unilingual French signs could in some cases create potential problems. It suggested that signs such as "attention à nos enfants" be considered municipal signs (which could therefore be bilingual in municipalities with bilingual status) but it did not find that fundamental changes to the Charter of the French Language or the language policy of the government with respect to road signs were necessary. However, it did recommend an increased use of pictograms on signs and the government accepted this recommendation.

On December 19 the Montreal Urban Transit Corporation announced that it was dropping the bilingual advertisements of the Canadian Forces that had been posted in its transit system. The Corporation's chairman, Robert Perreault, expressed the view that the advertisements, worth $800,000 annually, might contravene Quebec's language law requiring commercial advertising to be in French. Members of the English-speaking community protested against the decision and before year's end Alliance Quebec submitted a complaint to the Commissioner. However, even after Quebec government representatives expressed the view that Canadian Forces advertisements are subject to the federal and not provincial language legislation it was unclear whether the Corporation was prepared to review its decision. (See Part I, Chapter 3.)

Immigration

The Anglophone community, which has seen many of its members leave the province, especially in the years following the formation of the Parti Québécois government in 1976, appeared to have somewhat different views from the majority on immigration into the province. While Anglophones tended to believe that new immigrants were choosing to learn English and French in equitable numbers Francophones were anxious about this and called for policies to protect what they perceived as the fragile linguistic balance in the province. For instance, they observed that 5% of Quebecers now have a home language that is neither English nor French and that there are 1.9% more people who have English as a home language than there are people with English as a mother tongue. There were calls for policies giving preference to Francophone immigrants and making French second-language courses more readily available. This was thought to be especially important in light of the very low birth rate (despite a slight rise in the past two years) and the strong attraction of the English language in North America. Following publication of a report by the Quebec Department of Cultural Communities and Immigration in July, the *Gazette* noted in an editorial that a majority (57.5%) of the immigrants who arrived in Quebec between 1976 and 1986 chose French as their adopted language and that 70% of immigrants established in the province speak French; the newspaper pointed out that this is in stark contrast to earlier decades when most immigrants gravitated towards the Anglophone community. However, in their analysis of the same report Francophone commentators, such as Paul Cauchon of *Le Devoir*, presented a more sombre view. They noted that there was a dip in the proportion of the most recent immigrants opting to speak French as opposed to English, with barely one half (54%) of these preferring French. They also observed that there was a strong tendency among immigrants to retain their first language and that only 19% of people recently arrived declared French as their mother tongue.

The Quebec Minister of Cultural Communities and Immigration, Monique Gagnon-Tremblay, admitted in September that the francisation of immigrants was proceeding too slowly. She recognized the need for further measures to ensure the integration of immigrants and promote the French language and pointed out that resources from the federal government have been limited by

budgetary restraint. The matter became critical when, in October, the federal Employment and Immigration Minister, Barbara McDougall, announced plans to increase immigration levels, and figures showed that only 29% of the 25,700 immigrants who arrived in Quebec in 1988 could speak French at that time and as few as 9% declared French as a mother tongue. The issue was partially resolved in November when the federal government announced an emergency fund of $1.4 million for French-language training for immigrants. The overall trends of recent years remained encouraging. Demographer Réjean Lachapelle observed in *Language and Society* 32 that the proportion of persons with French as a mother tongue in Quebec stood at 83% at the 1986 census and that even in areas with mixed populations, like Montreal, the percentage of persons able to speak French was increasing.

Late in the year the government of Quebec published a policy document on immigration entitled *Vision — A Policy Statement on Immigration and Integration*, one of the priorities of which is to encourage more Francophone immigrants for Quebec. Among the measures proposed are increased resources for Quebec immigration offices serving Francophone countries, an accelerated selection process with more points attributed for knowledge of French, more information for non-Francophone immigrants on the essentially French character of Quebec and opportunities to learn the language. Finally, at year's end the federal and Quebec governments announced a new agreement on immigration, the terms of which give Quebec greater control over the selection and integration of immigrants and money for job training and French-language instruction while still maintaining national immigration norms.

Education

The province's school system, especially in the Montreal area, continued to face rapid and unsettling change. While the number of school children tended to stabilize around the 1.1 million mark, the social character of schools became far more diversified, with children of many different ethnic origins and languages. The relative number of students in French schools increased, reaching 90% of the total school population in the province, while the English sector continued to shrink. Under the Charter of the French Language, immigrant children do not have the right to attend English schools. The Canadian Charter of Rights and Freedoms recognizes Quebec's special responsibility in this area. Also, a growing number of English-speaking Quebecers prefer to send their children to French schools so that they can learn to speak French fluently. At the same time, many parents of children in English schools were demanding improved French second-language courses. (See Part V, Chapter I.)

The French sector of the Protestant School Board of Greater Montreal (PSBGM) which has been expanding rapidly, this year had 11,660 students, or 43% of the enrolment. This is an increase of 14% over the past two years; in the same time enrolment in the English sector declined by 7%. No fewer than 26 of the PSBGM's 67 schools were French-language schools and in November, for the

first time, four Francophones were elected to the 21-member board. Not surprisingly, these trends led some to express fears that Francophones would soon be in the majority and that the Board might lose its bilingual status under Section 113f of the Charter of the French Language. The French sector of the Protestant Lakeshore School Board also expanded; enrolment of Francophone students was up 37% this year. The number of students in the English schools of most boards stabilized or declined; in the largest board, the Montreal Catholic School Commission (MCSC), only 13% of students were enrolled in English schools.

Because of these trends and in an effort to rationalize the school system the National Assembly adopted a new Education Act in 1988. Among other things, it seeks to establish school boards based on language rather than religion. In the wake of opposition from some members of both the Anglophone and Francophone communities, as well as school boards, the government referred the legislation to the Quebec Court of Appeal for an opinion on its constitutionality, particularly in relation to Section 93 of the Constitution Act, 1867, which granted special guarantees for minority and denominational schools in Quebec and elsewhere. The Court handed down its decision in September, stating the Act did conform in the main to the Constitution and that the National Assembly had the power to modify the system of school boards. However, it stated that certain provisions of the legislation were inadequate for the protection of minority rights, especially during the period of transition from the present denominational boards to the proposed linguistic ones. (See Part I, Chapter 3.)

The reaction of the school boards opposing the legislation to the Court's decision was immediate and angry. Dr. John Simms, president of the Quebec Association of Protestant School Boards, said that the decision amounted to a suggestion that "the [Quebec] government is sovereign and can do whatever it likes." He announced that the Association would appeal the decision to the Supreme Court of Canada. The then chairman of the MCSC, Michel Pallascio, was also disappointed but said that the MCSC's appeal to the Supreme Court of Canada would depend on the outcome of the Commission's November elections. These elections resulted in a narrow victory for Mr. Pallascio's Regroupement scolaire confessionnel, but Mr. Pallascio himself lost his seat. Because the opposition group, the Mouvement pour une école moderne et ouverte, was in favour of the new Education Act, the position of the MCSC in relation to the appeal to the Supreme Court seemed uncertain at year's end.

The then Minister of Education, Claude Ryan, called the Court of Appeal decision "a breath of fresh air"; it would allow the government to implement legislation giving the province the kind of school system needed in a modern society while respecting entrenched religious rights. However, he said that he would not proceed with implementation of the legislation until all court procedures were exhausted and the appeal to the Supreme Court was launched. Mr. Ryan also undertook, in commenting on the Mahé decision of the Supreme Court of

Canada concerning minority language educational rights, to give Anglophones a more substantial role in the preparation of the pedagogical programs of the Department of Education.

The drop in enrolment in English schools has caused severe problems for Anglophone educators, parents and students across the province. A report by the Department of Education this year showed that the English system is increasingly one of small schools. No fewer than 48% of elementary schools and 30% of secondary schools, as well as 83% of combined elementary-secondary schools in the English sector, had fewer than 200 students. These schools face special challenges because of the isolation of both staff and students and limited opportunities for specialized facilities and professional development. One area of particular concern which is shared by the Quebec government is the teaching of French as a second language. The Alliance Quebec Provincial Education Committee identified small schools as a priority and a symposium was held on the subject in March 1990.

The English sector has had to cope with the loss of many schools. This year General Vanier Elementary School in Montreal closed and the threat of closure hung over others with declining enrolments, from North Hatley in the Eastern Townships to Quyon in west Quebec. There was also the bitter question of conversion of English schools to French ones: in the Lakeshore Board, there were rumours of several being considered as possible targets for conversion to the French sector. Anglophone parents understandably struggled to preserve their schools — one threatened school, Westmount's Roslyn School, has been providing instruction to English-speaking children of the city since 1907 — but Francophone parents in the Protestant boards, equally understandably, complained of overcrowded facilities. For instance, Westminster School in west-end Montreal has an official capacity for 500 students but this year housed no fewer than 700 Francophone children.

A few boards in the English sector were seeking new solutions to the problems of a shrinking clientele, such as adult education and work-related programs. Wakeham School in Gaspé was converted into an adult education centre for Anglophones in the district and the Laurentian School Board was experimenting with co-operative education and work projects that appeal not only to regular students but also to potential drop-outs and students needing help to make the transition into the workforce. Nor should it be thought that the English school sector has lost all resilience. One good piece of news was the announcement by the Baldwin Cartier School Commission of the construction of a new English school in Pierrefonds, one district where the Anglophone population is growing.

If English schools were suffering from loss of clientele, the French ones were experiencing a new diversity, especially in the Montreal region. There were incidents this year at St. Maxime School in Laval, where groups of Allophone and

Francophone students quarrelled over the use of languages other than French. St. Maxime is a French school with many students whose first language is not French. The issue was resolved by a decision that French would be the language of instruction but that outside the classroom students were free to speak whatever language they wished.

On the other hand the MCSC, where Francophones were a minority in several French schools, sought stronger measures. It set up a task force that made 36 recommendations designed to promote the French language, including the compulsory use of French for all school activities and even recess and lunch hours. The MCSC's acceptance of the report led to protests not only from Allophones but from the Anglophone and Francophone communities as well. As a result it decided to hold public hearings. At these hearings in June the Commission des droits de la personne du Québec argued in its brief that requiring the compulsory use of French in recreational activities would contravene the Quebec Charter of Rights and Liberties. The MCSC ultimately decided to withdraw the provisions concerning the compulsory use of French outside the classroom. The decision made fewer headlines, if any, in the Canadian media than the original report. Late in the year, Michel Pagé, the Minister of Education, said that he would personally examine the status of the French language in Montreal schools having a large number of immigrant children.

This year the Quebec government announced a major project under a federal-provincial agreement to renovate the Lennoxville campus of Bishop's University and Champlain College. Heritage College in Hull also received funding. On the other hand, the financial situation of the three English-language universities remained tenuous. All had substantial operating deficits, that of McGill reaching about $6.5 million annually.

In 1990 debate continued over the policy of free access to the seven English colleges in the province. Some commentators such as Lorraine Pagé, president of the Centrale de l'enseignement du Québec, expressed dismay at the numbers of non-Anglophone students enrolled in English, as opposed to French, colleges and regretted the existence of federal-provincial agreements that provide support for this purpose. In fact, a recent report prepared for the Department of Higher Education indicated that 76% of all Allophone college students in the province in 1986 were still enrolled in English-speaking colleges. However, it concluded that "the effects of Bill 101 are only now beginning to be felt in the schools" and showed that trends among younger students were towards the French sector. More Allophones were choosing French colleges and students finishing French secondary schools were by and large pursuing their studies in French. Fully 81% of a sample of 757 Allophone students completing French secondary school in 1986 opted for French-language colleges, as did 52% of the 404 Anglophones in the same situation; among the Francophone graduates 96% went to French-language institutions.

On the other hand, Jean-Pierre Proulx in *Le Devoir* reported disturbing findings concerning the ability of Quebec's English-language post-secondary institutions to turn out students with a knowledge of French sufficient to enter the province's workforce. According to data assembled for the Conseil de la langue française no fewer than 30,000 Anglophones between the ages of 15 and 29 left the province from 1981 to 1986. It was a veritable brain drain because over half of these people had some post-secondary education. Mr. Proulx concluded that a large proportion of these young persons had insufficient French-language skills to find jobs in the province and pointed out that as late as 1989 only 18% of students of English colleges were enrolled in French second-language courses.

Promoting the French language in scientific research and high technology continued as a focus of attention. On September 24, 1990, the federal and Quebec governments announced a joint project to assist the information-processing industry in the province. The federal Communications Minister, Marcel Masse, stressed the importance of this industry: "More than one in every two Canadians today works in the communications field....We must therefore do everything in our power to develop computer products and services here in Canada, especially in French, if we wish to affirm our identity." In a speech at McGill University in October the Commissioner also stressed the importance of promoting French in scientific and technical fields; he noted the contributions of the federal government to this end since adoption of the 1969 Official Languages Act and especially the 1988 Act. Meanwhile, a study by Science Watch of Philadelphia, focusing on the numbers of articles published in scientific journals by researchers from Canadian universities, showed that McGill researchers continued during the 1980s to make a significant contribution to scientific research, though proportionately less than during the previous decade. On the other hand, the input of researchers from the University of Sherbrooke, the University of Montreal and Laval University increased in the same period.

Municipalities

Quebecers, both Anglophone and Francophone, reacted with indignation and anger to the unilingual English resolutions passed by Sault Ste. Marie, Thunder Bay and other Ontario municipal councils early in the year. There was also anger concerning the Brockville incident (which actually occurred in September 1989 but was widely reported early in 1990) during which English-speaking demonstrators trampled and burned a Quebec flag. One small Quebec municipality, Parent, responded by declaring itself unilingual French. Some, like the City of Outremont, resolved to show an example of tolerance and reaffirmed their commitment to serve their Anglophone minority in English. Others, especially those with larger English-speaking populations, passed resolutions condemning the actions of Sault Ste. Marie. The West Island municipality of Kirkland termed Sault Ste. Marie's resolution "regressive, discriminatory and a deterrent to cultural and linguistic progress and harmony", while the Town of Lachute called the unilingual resolutions a "provocation". Still other Quebec municipalities addressed pleas to the Ontario councils to rescind their unilingual resolutions. In

a special gesture of good will, the cities of Pierrefonds (in the West Island) and Richmond, British Columbia, resolved to pursue a twin city program and pass identical resolutions against the English-only motions.

In one somewhat unusual case the union of the municipalities of Rouyn and Noranda was successfully challenged on the basis that some of the documents relevant to the union were not available in English. (See Part 1, Chapter 3.) In other cases, the Town of Montreal West, which is very largely Anglophone, adopted a resolution asking the Quebec government to respect its bilingual status and not to enforce the unilingual French sign law in the town; on the other hand, the City of Westmount, which also has an Anglophone majority, announced that it would give precedence to French in its signs and communications, as requested by the Office de la langue française.

In another case, Justice Paul Reeves of the Quebec Superior Court handed down his decision concerning the status of the Town of Rosemere. The Office de la langue française had revoked the town's bilingual status under Section 113f of the Charter of the French Language because its non-Francophone population had fallen below the 50% mark, but a number of private citizens took the issue to court. Justice Reeves ruled that, although the Office has the power to revoke the bilingual status of an institution under the Charter, in this case the Office had not proceeded properly because it failed to consult adequately with the townspeople and based its decision on questionable criteria. The Court therefore reinstated Rosemere's bilingual status (see Part I, Chapter 3) and the town's new mayor and six councillors elected in November vowed to ensure that the bilingual status was retained. The Quebec government announced that it would not appeal the decision. Several other municipalities whose non-Francophone populations appear to be falling below the 50% level were pleased with this decision. Before year's end the president of the Office, Jean-Claude Rondeau, indicated that in response to the Court's decision the Office was preparing new procedures and criteria with which to apply Section 113f. Some 240 municipalities and other institutions have bilingual status under this section and the Rosemere case had implications for health and social service institutions, several of which were experiencing an increase in their Francophone staff and clientele. Russell Williams, MNA for Nelligan and parliamentary assistant to the Health and Social Services Minister, expressed concerns for the bilingual status of the Royal Victoria Hospital, the Montreal General Hospital and the Montreal Children's Hospital. Mr. Williams hoped to ensure that these institutions would keep their bilingual status.

Health and social services

English-speaking Quebecers have access to a comprehensive system of health and social service institutions consisting of 23 hospitals and 61 other establishments responsible for providing services in the English language. In many cases these institutions have a long tradition and were founded by Anglophone Quebecers. However, there was concern in the community when the Quebec

government made public a white paper entitled "Improving Health and Well-Being in Quebec — Orientations", as well as a draft bill to reform health and social service institutions. One element of reform was to be a decentralization of services and the establishment of regional boards of directors for all institutions other than teaching hospitals. It was proposed that these regional boards would replace the existing individual boards of the institutions.

Although the draft bill included a section allowing for exceptions to this territorial model where justified by language and socio-cultural considerations, the English-speaking community reacted against the proposals. Community spokespersons argued that the territorial principle is inappropriate in a heterogeneous society where many health and social service institutions have linguistic or ethnic clientele not limited to a particular district and that the abolition of the institutional boards of directors would break the link between the institutions and the communities they serve. Moreover, it was argued that Anglophones would be only a small minority on most of the proposed regional boards and that they would lose control of their institutions. Alliance Quebec, which presented a brief on the subject to a committee of the National Assembly, commented: "the restructuring of the boards of directors will, if enacted, remove the historical community-based support from the health and social services institutions that are a pillar of our community. It is uncertain how long some of our institutions would survive without this support."

When Health and Services Minister Marc-Yvan Côté presented Bill 120 on health and social services to the National Assembly in December the sections suppressing individual institutional boards in the earlier draft bill had been withdrawn. There were provisions to ensure the rights of Anglophone users of the health and social service system as well as some protection for the English-speaking community's institutions. Section 15 stated that "English-speaking persons are entitled to receive health services and social services in the English language" and Section 268 required each regional health and social service board to prepare a "program of access to health services and social services in the English language for English-speaking persons...". However, Bill 120 still included provisions for territory-based services with unfavourable implications for English-language institutions with clientele in more than one administrative region. For instance, the Ville Marie Social Service Centre was, it was thought, threatened with the loss of one-half of its staff to local community service centres and other regional institutions. Alliance Quebec and other Anglophone groups continued to voice concerns.

The implementation of Bill 142 guaranteeing English-language health and social services proceeded evenly this year. Access plans were developed and put in place in all 11 of the province's administrative regions and some 200 institutions required to provide English-language services were identified. In addition, as a result of a federal-provincial agreement, co-ordinators for English services were

appointed in most regions to oversee delivery of services. Additional resources were made available to create 30 bilingual positions in areas of special need outside Montreal, especially in the fields of youth protection, speech therapy and services to the elderly. In commenting on the progress to date in an editorial in the Sherbrooke *Record*, Sharon McCully wrote: "Many institutions designated under the access law have noted that as a result of their mandate to provide services in English, they have been able to add additional staff and resources which help serve patients in both language groups." She was speaking of the Eastern Townships but her positive remarks seem to reflect trends in several districts with Anglophone populations.

Equitable participation

The English-speaking community this year became increasingly concerned about its under-representation in the provincial Public Service and addressed protests to the government on this subject. In briefs this fall to the Committee of the National Assembly on the Budget and Administration both Alliance Quebec and the Townshippers Association stressed the need for action to improve Anglophone participation in the Public Service of Quebec. Alliance Quebec observed that as of March 31, 1990, there were only 396 English-speaking persons of a total of 52,835 employed in the Quebec Public Service, a proportion of 0.7%. The Townshippers pointed out that the Quebec Public Service has as few as 38 English-speaking persons out of 3,936 employees in the two administrative regions in the Eastern Townships. Both organizations called for an equality of access program based on the Quebec Charter of Human Rights and Freedoms and similar to those recently established for the other cultural communities. Other suggestions included improved recruiting programs with staffing personnel more fluent in English and more familiar with the English-speaking community, better language testing and training, a modified probation procedure for new Anglophone employees and the use of minority media to advertise government jobs.

In summing up the situation Alliance Quebec stated: "The English-speaking community does not participate in the public administration. Now, more than ever, at this critical time in Quebec's development, the government must reaffirm its belief in and commitment to the principle of the equitable participation by the English-speaking community in the public service." In October the *Gazette* advanced similar arguments and referred to a "flawed civil service." Criticism concerning the under-representation of Anglophones was not limited to the Public Service; the Sûreté du Québec was condemned for the almost total absence of members of the minority communities. The requirement for improvement of the Sûreté's relations with the minority communities became particularly evident during the Oka crisis this summer. In the fall Premier Robert Bourassa appointed Claude Ryan as minister responsible for the Sûreté.

Although provincial Treasury Board President Daniel Johnson declined suggestions for formal programs, action was taken to improve the recruitment of

Anglophones to the Public Service. In March the government appointed a task force of seven Anglophones from across the province, headed by Quebec City lawyer David Blair, to investigate Anglophone access to the Public Service. Mr. Blair explained his mandate: "There is a very low representation of Anglophones in the Public Service and the idea is to look at ways in which that situation can be turned around so that there is representation. We are hoping to visit the regions and find out what the problems are, what the jobs may be and what we can do to make it easier for people to have access to these jobs." The group was due to report to the government at year's end.

Community associations expressed their concern about the weak representation of Anglophones in federal offices in Quebec as well. Despite the efforts of a special committee of regional directors of federal offices in the province and community representatives there was little progress this year: English-speaking public servants continued to represent only 5.6% of all federal employees in Quebec. The Commissioner, who submitted a special report to the government on the subject in 1987, continued to press for stronger action. Reliable information on the proportion of Anglophones in federal Crown corporations in the province was not available but it was thought to be adequate and to make up for the serious imbalance in the Public Service proper. (See Part II, Chapter 3.)

Cultural affairs

The language situation of the cinema in Quebec continued to worry many, both Francophones and Anglophones, as the Quebec government struggled to reconcile somewhat the conflicting objectives of promoting French-language films while recognizing the right of Quebecers to see films in their original version, which in most cases is English. It was reported this year that the film industry was respecting an agreement made with the government in 1988 concerning the production and distribution of French-language versions of films originally produced in English; the industry had undertaken to have the French versions produced and distributed within 60 days of release of the English originals. However, the dominant place of English in the industry continued to cause concern; only 45% of films in Montreal cinemas in 1988 and 79% in the rest of the province were in French, according to a study of the Ministry of Cultural Affairs made public in 1990. In September the Institut québécois du cinéma recommended that the government adopt a new cinema policy designed to increase the number of films shown in French. Lisa Frulla-Hébert, the Minister of Cultural Affairs, stated that the issue was under review, adding that while she prefers to proceed according to voluntary agreements with the film industry for the promotion of French films further measures and new legislation may prove necessary.

In this year when Quebecers mourned the loss of Hugh MacLennan, author of *Two Solitudes*, there was concern about the existence of two solitudes in the publishing industry. H.J. Kirchhoff of the *Globe and Mail* reported that relatively few French books are translated and published in English and that this also holds true for French translations from the English. He found that private industry

finds the publication of books in the other language unprofitable and that it is therefore rarely undertaken. One illustration was the unavailability in English of many of the writings of Alice Parizeau, who also died this year. It was fortunate therefore that the Canada Council maintained a Grant for Translations Program that this year permitted the publication of 53 books originally written in French and translated into English and 36 others translated from English into French. Many of these were children's books.

Quebec pop star and singer Céline Dion posed a fundamental question concerning the identity of Quebecers. On October 21, 1990, she refused an award from the Association du disque et de l'industrie du spectacle québécois for best Anglophone singer of the year, saying that she was a Quebecer and therefore by implication Francophone, not Anglophone. Many commentators responded to her challenge and pointed out that one can be both Anglophone and a Quebecer. Parti Québécois leader Jacques Parizeau, who had on the one hand congratulated Ms Dion on her contributions to French culture, did not hesitate to point out that Anglophones are "part of us".

Minority associations

The year proved unusually active for associations of the English-speaking community. In March Alliance Quebec greeted the decision of the Supreme Court of Canada in the Mahé case as important for the educational rights of minorities. The Association had intervened on behalf of Francophone parents in Alberta. More than 350 members of the Alliance attended its annual convention at John Abbott College at the end of May. Federal Secretary of State Gerry Weiner and the then Quebec Junior Minister of Health and Social Services, Christos Sirros, were among those who addressed the delegates. Mr. Weiner, who represents a Quebec constituency containing many Anglophones, stressed the importance of the English-speaking minority in Quebec and remarked: "We English-speaking Quebecers have first-hand knowledge of the challenges, the difficulties and the benefits that come when two linguistic communities interact daily."

This year the Committee for Anglophone Social Action, which represents English-speaking Gaspésians, celebrated its 15th anniversary. Among its highlights were meetings with the Blair Committee on Anglophone representation in the Quebec Public Service and a brief to the Bélanger-Campeau Commission. The Townshippers held their 11th annual day at Bedford in September and participated on joint "Concertaction" committees with federal officials in efforts to improve Anglophone participation in government offices in their region while the Council for Anglophone Magdalen Islanders opened a museum this summer to display artifacts illustrating the Islanders' history. The Outaouais Alliance received a special grant from the Department of Cultural Affairs to publish a book by one of its members — Alice Biehler-Burrich's *History of the German Settlement of Mulgrave and Derry* — and the Lower Laurentians chapter of Alliance Quebec celebrated the 150th anniversary of the Lakefield community. The Voice of English Quebec offered a number of special programs, including a

summer job bank and day camp, a babysitters' course, assistance to senior citizens and a lecture series. The Châteauguay Valley English-speaking Peoples' Association presented a brief to the Bélanger-Campeau Commission. Finally, the Association of Quebec Regional English Media took an initiative that may have far-reaching positive repercussions on the linguistic climate in Canada. In an effort to promote dialogue and understanding between 20 English newspapers in British Columbia and 94 French ones in Quebec, it offered a two-way translation service allowing the two sides to exchange and publish one another's editorials.

The Atlantic Provinces

Most (84%) of the 282,000 Francophones in the Atlantic provinces live in New Brunswick, where the French-language community is flourishing, where French is recognized as an official language at the provincial level and where the two language communities enjoy equal status. Demographic studies have shown that, for the great majority of residents of this province who consider French their mother tongue (237,570 persons), French is also the principal language used in the home (219,350 persons). However, the Francophone communities in the other three Atlantic provinces are much smaller and more fragile (their number varies from 36,000 people with French as their mother tongue in Nova Scotia to just 3,000 in Newfoundland) and they are less resistant to assimilation to the overwhelming Anglophone majority. It is to be hoped that the establishment of appropriate school systems and the development of minority language societal structures, such as more French-language media and government services, will halt the erosion of Francophone communities and contribute to their vitality.

The Commissioner travelled to the Atlantic provinces several times in 1990 and met with representatives of all the provincial governments and minority communities. These meetings focused on the Constitution, minority schools, French-language media and services in French provided by various levels of government in the region. This section examines the principal achievements of each of these provinces: New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland.

Antonine Maillet of **New Brunswick** likes to compare the Acadians to salmon, always obliged to swim against the current. The past year, marked by constitutional crises and linguistic tensions, was hardly exceptional in this regard, and Francophones experienced as many setbacks as successes. The most serious setback was the failure of the hoped-for entrenchment of An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick (Bill 88) in the Canadian Constitution. This was to have taken place in conjunction with ratification of the Meech Lake Accord. The necessary resolution was, however, passed by the New Brunswick legislature and the Act's entrenchment remains an objective of the government. Premier Frank McKenna has indicated, however, that it is now up to the federal government to take action in this matter.

It is to be hoped that the House of Commons and the Senate will also pass the resolution required to entrench the principles of Bill 88 in the Constitution. Meanwhile, a Commission on Canadian Federalism, chaired by cabinet members Aldéa Landry and James Lockyer, was established near year's end. Its mandate is to make recommendations to the government on how the Canadian federation might be strengthened so as to serve the interests of Canadians living in New Brunswick and in other provinces and territories. In addition, the Commission will address the status of New Brunswick's two official language communities.

Internally, the McKenna government pursued its policy in language matters. While the reform under way seemed excessive to some members of the Anglophone community, such as the Confederation of Regions party, Francophones felt that the services provided in French still left much to be desired. In his 1989 annual report, made public in August 1990, the provincial ombudsman, Joseph Bérubé, who for the first time this year was responsible for dealing with complaints about language rights, stated that he had received no fewer that 81 complaints about the quality of service in French and seven about language of work. It is clear that New Brunswick Francophones are not satisfied with the quality of provincial services in French. In addition, some complained that the government's language policy has relatively little to say about active offer of service to the public in both languages and that, despite the Official Languages of New Brunswick Act, French still does not enjoy an equal place with English in the provincial administration. In May Professor Pierre Foucher of the University of Moncton, adopting an idea from the 1982 Poirier-Bastarache report, declared that the current system of institutional bilingualism was clearly inadequate and that the province should instead create parallel English- and French-language institutions. Members of the Société des Acadiens et Acadiennes du Nouveau-Brunswick, at their general meeting in June, asked their executive to assign priority to the problem of lack of French-language services and to the possibility of granting administrative autonomy to offices in the Acadian regions and of creating separate institutions in Fredericton as an organizational principle in some provincial agencies.

The government tried to find solutions to the problems raised by Anglophones and Francophones. It developed plans to implement its official languages policy in all its institutions. It launched an advertising campaign and published a brochure accompanied by a videotape entitled "Straight Talk on New Brunswick's Official Languages Policy". To meet its objectives, the government announced in February that 3,020 positions in 36 institutions (25% of all positions) would be designated bilingual. Thirty-five percent of positions in the head offices of provincial institutions are bilingual. The rest are designated unilingual: English essential (52%), French essential (12%) or either language essential (11%). Premier McKenna stated that it would be necessary to train or hire 700 additional bilingual public servants by September 1, 1993, and he committed himself to doing so, at the same time guaranteeing job security and opportunities

for advancement for unilingual employees of both language groups. He reiterated his commitment to ensuring the equitable participation of Anglophones and Francophones in the Public Service. According to the most recent figures, made public in December 1988, Francophones occupy 3,226 (32.6%) of positions in the provincial Public Service and represent 33.5% of the province's population. However, in offices in the capital, Francophones occupy only 726 positions (19%), including 58 (24.3%) in senior management.

New Brunswick can be proud of its school system, which has long allowed Anglophones and Francophones to manage their respective facilities. The Schools Act states that "School districts, schools and classes shall be organized on the basis of one or the other of the official languages of New Brunswick." The province has two separate school systems, one English and one French. The French sector has 148 schools for which it is fully responsible, two other facilities that it manages jointly with the English sector and has 45,417 students and 2,586 teachers. At the end of the year the government announced the creation of kindergartens as part of the school system. As a result the number of pupils and teachers should increase considerably in the near future. It was also New Brunswick that originated the concept of the school-community centre as a mechanism for local development. In the past decade three such centres have opened in Fredericton, Saint John and Newcastle.

New Brunswick can also take pride in having a network of four French-language community colleges and a French-language university in Moncton, with additional campuses in Edmunston and Shippegan. The University of Moncton announced its intention this year of offering a doctoral program in French studies. The government took advantage of the existence of the two sectors of education, English and French, to promote exchanges for the benefit of both groups. Particularly noteworthy was the Legislative Seminar project, which enabled 58 students in 35 English and French secondary schools to sit in the Legislative Assembly for three days in March. (See Part V for additional information on second-language programs.)

Although the essential elements of the French-language school system are in place, there are serious discrepancies between the Anglophone and Francophone communities with regard to instruction and vocational training. A study conducted by Roger Bernard on behalf of the Fédération des jeunes Canadiens français showed that 8.7% of Francophones had not completed grade 5 and that 34.1% had not obtained their secondary school diploma. A great many of them would, for all practical purposes, be functionally illiterate. Moreover, the illiteracy rate among Francophones is much higher than among Anglophones in New Brunswick. Efforts should be made to provide more information to adults in the Francophone community about vocational training and re-training programs and to facilitate their access to such programs. In addition, ways must be found to encourage young people not to abandon their schooling.

On the municipal front, the Association des municipalités du Nouveau-Brunswick, founded in 1989, held another meeting this year. Representing 23 bilingual or French-speaking municipalities, it is seeking proper representation on the Provincial-Municipal Council. The Association is active in many issues, including public participation in local government, development of French-language computer software and promotion of tourism. A number of municipalities, including Moncton, have made special efforts to improve their French-language services to the public. On the whole, New Brunswick municipalities are opposed to the movement for English unilingualism. No municipality has followed the example of Sault Ste. Marie and Thunder Bay in Ontario. The six cities in New Brunswick have clearly indicated their support for the principle of bilingual services as expressed in the recommendations published by the Federation of Canadian Municipalities. In fact, several municipalities with Anglophone or Francophone majorities have followed the government's lead and "twinned" themselves to create very fruitful exchange programs.

Gérald Clavette, Chairman of the Board of Management (Treasury Board), announced that measures will be taken to improve the quality of French-language services in hospitals. He stated that 15% of the 12,000 employees of the province's 32 hospitals will have to be bilingual by September 1993. The government will adopt a "team" strategy and objectives will vary depending on the nature of the services provided and the volume of demand in each language. The major hospitals in Saint John and Fredericton, which serve several regions of the province, will be required to intensify their efforts in this area.

The government began to take action on its commitments to improve French-language services in the legal sector. The Minister of Justice, James Lockyer, announced in September that there would always be a bilingual judge on the Provincial Court in Moncton. Measures will also be taken to ensure full respect for the language rights of persons indicted and defendants. In Bathurst two of the three judges appointed to the Provincial Court in 1990 were bilingual Francophones.

The New Brunswick Court of Appeal confirmed this year the need to fully respect the language rights of an accused. Accordingly, it acquitted Joseph Denis Boudreau of a charge of impaired driving because the certificate showing the results of the breathalyser had been in English only. In a decision of great significance to police forces Mr. Justice Jean-Claude Angers wrote: "It would be contrary to the principle of due process to accept, without the consent of the accused, evidence in a language other than the one chosen for the trial without translating it into the language of the trial." (Our translation.) In addition, late in 1990, the Legislative Assembly passed a bill amending the Official Languages of New Brunswick Act to guarantee all citizens the right to speak the official language of their choice in any court or administrative tribunal and to be heard by a judge without recourse to translation.

L'Acadie Nouvelle celebrated its first anniversary as a province-wide daily and a new French-language weekly, *Hebdo Plus*, began publication in Caraquet. Business people are planning to launch another French-language weekly in Grand Falls and for a community radio station in the Miramichi valley. Some 800 Acadian members of the Coalition pour une télévision de langue française en Acadie protested in Moncton in December against the CBC's budget cuts. In addition, a delegation from the Société nationale des Acadiens went to Paris in November to renew the co-operation program between France and Acadia for 1991-92. Finally, an important forum for dialogue among Acadian organizations took place in Dieppe in November, and the Société des Acadiens et Acadiennes appeared before Quebec's Bélanger-Campeau Commission in December.

"For a century Université Sainte-Anne [in **Nova Scotia**] has accepted students from every part of the Atlantic provinces. Its personalized approach enables it to offer first-rate instruction....In a number of areas it plays an indispensable developmental role intimately linked to its teaching and research programs. Its activities and services, in community, economic, educational or indeed cultural terms, bear witness to this fact...." (Our translation.) This was the gist of a message from the Rector of Université Sainte-Anne, Harley d'Entremont, on the 100th anniversary of this French-language institution in Nova Scotia. The university and the entire French-speaking community in the southern part of the province celebrated by inaugurating a new self-service canteen and a theatre, partly funded by the federal and provincial governments. Université Sainte-Anne offers 28 programs of study, mainly at the undergraduate level, to 334 Francophone and bilingual Anglophone students.

While the anniversary celebration of Université Sainte-Anne gave rise to some optimism among the province's Francophone community the fact remains that the overall picture in terms of the educational level and illiteracy rate within this community is bleak. A special report prepared by the Department of Advanced Education and Job Training outlined an alarming situation: one in four Francophones has not completed grade 9. A study entitled *Le choc des nombres*, made public by the Fédération des jeunes Canadiens français in October 1990, presents some frightening figures: 30% of the province's Francophones interrupt their education at the grade 8 level. This is twice the percentage in the Anglophone population. In view of the seriousness of the problem of illiteracy in the minority community a number of commentators are demanding that the quality of French-language instruction be improved to remedy the situation because, in their view, this is one of the most important factors for the long-term vitality, and indeed survival, of the community. According to Richard Landry, editor of the province's French-language weekly *Le Courrier*, "It cannot be emphasized strongly enough that the promotion of the Acadian language and culture must be a component of the promotion of the literacy program in this province." (Our translation.)

The Fédération des parents acadiens de la Nouvelle-Écosse proposed a five-year action plan for education which includes, among other things, the establishment, management and control of French schools and the inauguration of a system of junior kindergartens. The province has some 3,200 Francophone students in 18 mixed schools with pupils from both language communities. Only a dozen of these schools, however, have been given the designation "Acadian school", meaning, under the Education Act, that instruction takes place mainly in French.

Announcement of the construction of a school and community centre in Halifax-Dartmouth was welcomed as excellent news. This centre is to open at the beginning of the 1991 school year and will accommodate the area's 500 Francophone pupils. On the other hand, the provincial government's failure to respond positively to the Supreme Court's decision in the Mahé case in March 1990 was a great disappointment. The Fédération des parents acadiens de la Nouvelle-Écosse contended that, in light of this decision, the Education Act, which grants the government considerable discretionary power in the creation of minority facilities, was in violation of Section 23 of the Canadian Charter of Rights and Freedoms. Francophones also waited impatiently for the opening of the Collège de l'Acadie, a French-language community college with several campuses whose creation had been announced with great fanfare two years ago.

In other developments, progress was made in regard to the French-language services provided to Nova Scotia residents. Acadians also welcomed the appointment of Justice Allan Boudreau to the province's Supreme Court. There are now bilingual judges at all three levels of the province's judicial system: county courts, the Provincial Court and the Supreme Court. In addition, the municipality of Clare announced that it would make its property tax forms bilingual and the Izaak Walton Killam Hospital for Children in Halifax took the initiative of appointing a co-ordinator of bilingual services.

The federal and provincial governments have made commitments to provide financial assistance to *Le Courrier* and to Radio Clare, a community radio station. It should also be noted that the Francophone community can receive the FM programs of the CBC's French-language network. This includes the 15 hours a week of regional programming produced in Moncton in addition to the Nova Scotia edition of "Bonjour Atlantique", which has been produced in Halifax since 1986. Also of note was the establishment of a Conseil culturel acadien, sponsored by the Fédération acadienne de la Nouvelle-Écosse and the appearance of new entrepreneurs, who are among the most active members of the Acadian community. At a conference at Université Sainte-Anne in the summer, they pondered current economic development issues such as: "Are we encouraging young people to become entrepreneurs?", "Are we in charge of our own economy?", "Are we ready for technological change?", "Are members of our community receiving the necessary training?" The future of the community may well depend in part on the answers to these questions.

Prince Edward Island distinguished itself in Acadia not only by hosting the Jeux de l'Acadie, but also by language reform programs. "This year we have a number of strings to add to our bow: management of our French schools, construction of the Carrefour de l'Isle-Saint-Jean in Charlottetown and the new Museé acadien, the founding of the *écomusées*, the success of the Jeux de l'Acadie, the broadcasting of the P.E.I. version of "Bonjour Atlantique" on a year-round basis...." (Our translation.) These were the sanguine words of Darlene Arsenault, president of the Société Saint-Thomas d'Aquin, in describing the achievements of the 6,000 Francophones of Prince Edward Island during this very remarkable year.

Progress was made in areas of language in this province, but education undoubtedly deserves the most attention. Following the adoption of amendments to the School Act in 1988 and of new regulations in February 1990, a French-language provincial school board was established on July 1, 1990. This board, with 15 Francophone members from all the Acadian regions, but mainly from the Évangéline district, now has full responsibility for management of the Island's French-language school system. The system has 543 students in two schools and in French-language classes at a third school where the majority of students are Anglophone. In its publication *Décennie 90* the Fédération des francophones hors Québec notes that "the provincial legislature managed to find a very interesting compromise that meets the requirements both of the Charter and the particular situation of the Francophone minority" and that other provinces should "imitate this model." (Our translation.)

Work has begun in Charlottetown on the construction of the school and community centre known as Le Carrefour de l'Isle-Saint-Jean; its opening is anticipated in time for the return to school of the approximately 80 Francophone pupils in Charlottetown in September 1991. Classes in French for the 13 Francophone children in Summerside began last September, meaning that students no longer have to make the 20-kilometre journey to École Évangéline in Abram's Village.

These achievements may appear remarkable but the fact remains that the overall picture with respect to minority language instruction is not very bright. The number of children eligible for French-language classes is undoubtedly greater than actual enrolments. Moreover, the dropout rate is higher among Francophone students than among those of the majority community. The Société Saint-Thomas d'Aquin estimated the percentage of those completely illiterate in the Island's Francophone community at 10% and that of those functionally illiterate at not less than 40%.

Progress was made with regard to language of service in the provincial government thanks to the diligent work of the provincial Secretariat for Francophone Affairs. This contrasts sharply with the performance of federal institutions, with the exception of Marine Atlantic. The Prince County Hospital in Summerside

and Queen Elizabeth Hospital in Charlottetown have begun to study ways of providing French-language services.

Jeux de l'Acadie

The Jeux de l'Acadie were held for the first time in Prince Edward Island. The community organized the games and welcomed no less than 2,300 athletes and visitors to the event, which took place in July. At the closing ceremony Premier Joe Ghiz congratulated the organizers in French for their "magnificent work". Prince Edward Island is also the host province for the next Canada Winter Games, which will be held from February 17 to March 2, 1991. Some 2,000 athletes and 30,000 visitors from both language communities in Canada are expected to participate or attend. The Canada Winter Games Corporation has set up a special section to meet the need for service in both official languages. However, since the organization lacks a permanent bilingual staff (only seven of the 60 employees are said to be able to provide service in French), François Blanchard, the Corporation's vice-president, called for volunteers. By the end of 1990, 500 Francophone and bilingual Islanders had agreed to participate in this major activity by providing services in French.

Other notable events of the year included presentation of the first French-language show at Charlottetown's Confederation Centre, many festivals of traditional Acadian culture, demonstrations against cutbacks in CBC services, a study conducted by the Société Saint-Thomas d'Aquin (SSTA) of ways to halt assimilation and the opening of new co-operatives. In addition, *La Voix Acadienne*, the Island's French-language weekly, won first prize for coverage of an activity, awarded by the Association de la presse francophone hors Québec, for its reporting on a semi-annual meeting of the SSTA. Finally, the community initiated cultural exchanges with France, including the visit of soccer players from Saint-Pierre and Miquelon to Prince Edward Island.

Despite the unfavourable climate resulting from the constitutional crisis this year the 3,000 Francophones in **Newfoundland** made progress in language matters. In September, thanks to a federal-provincial agreement, for the first time 26 Francophone students in grades 1 to 3 started classes in French in St. John's. The Minister of Education, the local school board and Francophone parents agreed that a study should be conducted on the feasibility of introducing classes at more advanced levels. In addition to the 26 Francophone students in the capital now receiving instruction in French, 250 other students are enrolled in French-language classes in the Port au Port Peninsula and in Labrador.

Such progress is certainly important but the fact remains that Francophones have only a limited number of French-language classes and that Francophone parents are still not in charge of French-language education. The Minister of Education, Philip Warren, welcomed the Supreme Court decision in the Mahé case but believes that the number of Francophone children is at present insufficient to justify the creation of a Francophone school board. The best solution, in his view, is

to ensure that Francophones are represented on school boards offering instruction in French. The Fédération des parents francophones de Terre-Neuve et du Labrador disagrees and has already looked into the possibility of creating a model provincial Francophone school board. At a meeting in September with Premier Clyde Wells and Mr. Warren, the Commissioner emphasized the desire of the Francophone community to manage its own school system. Before the end of the year Messrs. Wells and Warren reassured the Commissioner with respect to the progress made in this area, indicating that consultations with experts and with the minority community were under way. In February 1990 the government of Canada and the government of Newfoundland announced an agreement on official languages in education. The federal government will contribute $4 million to the province to assist in paying for French-language instruction and the teaching of French as a second language.

While French-language instruction is the major priority of the Acadian and Francophone community it is by no means the only one. Another is the development of mechanisms for co-operation among the various organizations of the minority community: the Fédération de francophones de Terre-Neuve et du Labrador (FFTNL), the Fédération des parents, youth groups, the newspaper *Le Gaboteur*, etc. Yet another is the construction of a segment of road between the communities of Cape St. George and Mainland, which are 15 kilometres apart but are linked by a 75-kilometre road that follows the Port au Port Peninsula. In addition, the community radio station in Mainland celebrated its first anniversary. Another station is proposed for Labrador and the cable television firm in St. John's has agreed to offer more programming in French. The FFTNL is also calling for CBC broadcasts from Moncton rather than Montreal and for a full-time reporter to be assigned to the province. In addition, it should be noted that the first trial in French took place in the province this year.

Finally, the Fédération des jeunes Canadiens français (FJCF) held its annual general meeting in Newfoundland in July 1990. This meeting brought young people from every province in Canada to the Port au Port Peninsula and attracted wide attention because of the FJCF's project to counter assimilation, its research on "La vision de l'avenir" and its activist political orientation. At the meeting the FJCF proposed the development of a new social blueprint for Francophone communities in Canada.

PART V

Second-Language Instruction

1. Consolidating Advances

Like a garden in midwinter, the field of second-language education has seemed quiet this year. But just below the surface crucial work is underway. Many of the initiatives of the 1970s and 1980s, a period of expansion and development of second-language programs, will be refined over the next few years.

The successful teaching of English and French as second languages — or, indeed, of any language — depends upon a variety of factors coming together at once from many sources: motivation from the student, methodological and linguistic expertise from the teacher, appropriate curriculum material from the school boards and provincial ministries, and so on. Successful language teaching requires long-term planning, and over the 1990s we will be seeing the effects of provincial studies and projects that began years ago and whose results are beginning to sift down to the individual classroom.

As a result of the report of a ministerial advisory committee British Columbia is introducing a new approach, called "Year 2000", to its core curriculum. Nova Scotia is implementing new French requirements at the secondary level. New Brunswick has added a grade — kindergarten — to its regular school system. The National Core French Study, a project of many years, is beginning to affect second-language teaching throughout Canada. And a poll commissioned by Canadian Parents for French (CPF) and carried out in October 1989 by Environics Research Group Ltd. found that close to three-quarters of Canadians say they want the children of their province to learn their second official language. A majority everywhere supports second-language education. Support is highest in Montreal (91%), Toronto (81%), the Atlantic provinces (79%) and Ontario (74%).

But these budding changes represent the results of years of activity. The season of major upheavals in second-language teaching is past for the moment. Except perhaps in Quebec, this year has not been characterized by special studies, major

new reports or ministerial announcements; it is a year of quiet root growth that will bring forth fruit steadily over a long period of time.

Over the year the Commissioner has been in contact with most ministers of education, parents' associations and other interested parties. Meanwhile, his staff has continued to keep in touch with government officials and groups like CPF. In this chapter we explore major themes that affect everyone involved in this field, such as teacher training, language retention and extra-curricular activities. We discuss the state of English and French teaching nationally, with a report on core courses, French immersion, intensive English and their variant forms. In the following section, Regional Roundup, we take a closer look at each province. Minority language issues are discussed in Part IV.

Enrolments

To understand this year in context it is interesting to look back not only over the last 10 but over 20 years. Two decades ago the proportion of elementary students taking French was about 30%; since that time it has nearly doubled. Over the same period enrolment in French immersion programs has gone from virtually none outside Quebec to over 7% of all Anglophone students. And Canadian Parents for French, the national lobby group for excellence in French second-language education, has grown from an idea to a national body with 18,000 volunteers who put in tens of thousands of hours of work each year.

In all, about two million Anglophone children were enrolled in French second-language programs (both elementary and secondary) in 1990. In Quebec, where English as a second language is compulsory from grade 4 to the end of high school, about 600,000 Francophones were enrolled in such classes. French immersion continued to grow notwithstanding our peculiar national situation. The national increase in French immersion enrolments this year, estimated by Statistics Canada at 8%, clearly exceeded the increase in the school population.

British Columbia announced that French would become a required part of the common curriculum for students in grades 4 to 8 in 1992. Second official language programs are compulsory in Ontario, Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. Elsewhere, the participation rate in French second-language programs is impressive: 57% in Manitoba, 66% in Saskatchewan and 39% in Alberta.

But it is not enough simply to offer courses; to be effective the programs must be well-designed. Canadian educators continue to work on improving the quality of second-language programs. The Regional Roundup gives many examples of local projects on the part of governments, schools and parents that will make a big difference to many students. These include student exchanges and summer camps, simple but innovative approaches to teacher training, curriculum development, use of new technology like video and teleconferencing, and co-

operation between various groups. According to Helen Coles, a Toronto-based French consultant, "I don't think we're fighting for our place in the curriculum anymore. It's no longer 'Shall we have French?' It's 'What are the best techniques we can use?'"

National Core French Study and practice

As we reported last year, the effects of the National Core French Study are being felt in classrooms across the country. The nation-wide examination of core French in Canada was funded by the Department of the Secretary of State for its duration from 1985 to 1989. At that time there was a tendency for French immersion programs to claim a lion's share of the attention of researchers, even though most children will always continue to receive their French instruction through a regular core program.

In general, the study concluded that a multi-dimensional curriculum consisting of four components (language, communication, culture and general language education) is needed if students are to be able to communicate in their second language by the end of high school. Central to its recommendations are teacher training in the communicative approach and more time devoted to the teaching of French in the classroom. Teachers across the country are being trained or retrained in the communicative method. Some of the tools they will use are as simple as letting children make their own French books, watch short video dramas, meet and watch French performers. At the other end of the scale, schools are organizing their own French carnivals and non-competitive music festivals, according to Helen Coles.

The study contained a liaison component called the "Schools Project". Through the network established by this part of the study, national dialogue on core French will continue. In December provincial representatives met in Montreal to discuss pertinent aspects of the study for the development of possible provincial curriculum guidelines. Other developments include a pre-conference session (organized by Roger Tremblay, who headed one of the study's task groups) at the next annual meeting of the Canadian Association of Second Language Teachers to highlight professional development initiatives in second-language teaching in general, and inclusion of ideas from the study in materials being prepared by publishers.

Meanwhile, the study has produced a number of changes in second-language teacher training as all provinces work to consolidate the implementation of the communicative approach. This is discussed in the Regional Roundup.

French immersion

In 1990 French immersion programs celebrated their 25th anniversary. What started off as an experimental project in St. Lambert, Quebec, has now become

an integral part of every province's educational system. In 1970-71 there were virtually no French immersion students outside Quebec; by 1990-91 an estimated 11% of all Canadian second-language students and 6% of the entire school population were enrolled in immersion programs. Enrolment has increased annually by between 10% and 20% over the past five years.

Enrolments continue to climb, although without the dramatic momentum of the 1970s and 1980s. It is now clear that immersion will never be universally implemented, nor was it ever intended to be. Good core French programs are adequate and appropriate in many situations.

But no educator now disagrees that immersion is a good way to learn another language. The job at hand is to continue to perfect the program throughout the country to ensure excellent teachers and course materials, wide accessibility, and the optimum use of each areas's financial resources.

One way that immersion is being refined is in the exploration of different possible entry points into the program. Generally speaking, there are three kinds of immersion: early (beginning in kindergarten or grade 1), middle (beginning in grade 4) and late (beginning in grade 6 or 7). Each program has its benefits and its supporters and it has become clear that none of these choices is the best for every child or for every school board. The fact that the expense of the program increases as more grade levels are offered must be considered, as well as the probability that the year of entry will affect a child's fluency on leaving the program. Reactions of the pupils themselves to the year of entry should not be taken lightly; student psychology must remain a cornerstone. Will the children be as amenable in grade 4 to changing an important part of the curriculum affecting them as they would have been in grade 1?

Another major concern of immersion advocates is that high schools are still not geared towards immersion in the way that elementary schools now are. This is partly for the practical reason that the immersion boom is only just beginning to hit the high schools, but as the younger brothers and sisters of the immersion pioneers make their way through the school system the demand is growing steadily.

Immersion has become possibly the most-studied phenomenon in the history of Canadian education. Researchers have already found that students of all aptitudes can benefit from immersion programs, that immersion education is not detrimental to the absorption of other subjects and that immersion programs are an excellent way to produce functional fluency in French.

But immersion can be further refined. Researchers at the Ontario Institute for Studies in Education have drawn up a list of possible areas for study in the 1990s, including more research into the outcomes of various entry levels, cogni-

tive effects of bilingualism, French programs for Allophones (students whose first language is other than English or French) and specific classroom problems such as overcoming silence on the part of certain students.

The International Centre for Research on Language Planning, formerly the International Centre for Research on Bilingualism, has also compiled a "Synthèse historique de l'immersion française au Canada suivie d'une bibliographie sélective et analytique". This document will be useful mainly to specialized researchers in the field, although it does present a good summary of the main benefits and drawbacks of immersion education.

Supplementary activities

Two programs of the Department of the Secretary of State — the Official Languages Monitor Program and the Summer Language Bursary Program — provide students across Canada with valuable exposure to new experiences in their second language.

Student exchanges have also long been one of the most rewarding adjuncts to classroom language teaching. A network of inter-provincial (and, in some cases, intra-provincial) exchanges gives students a chance to use their second language in an enjoyable social setting. The Society for Educational Visits and Exchanges in Canada organizes exchanges for about 8,000 students every year.

In British Columbia, Fort Langley's La Fête colombienne des enfants is growing by leaps and bounds. The French festival attracted some 20,000 students in 1990, only its second year. The organizers also publish a magazine called *Le Jongleur* as well as an employment directory for students who wish to work in French. The Regional Roundup also mentions some provincial exchange programs.

Canadian Parents for French

Canadian Parents for French (CPF), the national parents' lobby group, has been particularly active in this, its 14th year of operation. As usual, CPF contributed enormously to the array of extra-curricular activities available to Canadian students, with activities like its annual Festival national d'art oratoire. This showcase, the culmination of a series of French public-speaking contests, was held last May in Ottawa. Twelve Rendez-Vous events — two-day student conferences filled with activities in French — were held in seven provinces. These well-loved large-scale events were supplemented by a gamut of smaller local events across Canada.

To celebrate its achievements in bringing living French to Anglophone schoolchildren CPF released a half-hour video. "A Wider Vision" shows children playing, learning, singing songs and telling jokes in French. From Summerside, Prince Edward Island, to the "Camp de neige" in the Northwest Territories

the video shows off CPF's strength in presenting the idea that speaking French is attractive, useful and just plain fun.

As mentioned in last year's Report, CPF reissued its invaluable handbook *So You Want Your Child To Learn French* in January 1990. This popular guide may be the best available general tool for parents making decisions about the best second-language program for their children. In 1989 CPF commissioned Environics Research Group Ltd. to conduct a national poll on second-language education; the results of the poll, which were released in February 1990, showed that 69% of Anglophones and 90% of Francophones want children to learn their second official language in school. The Regional Roundup mentions some of the provincial findings of the poll and some of CPF's other accomplishments over the year.

Teacher training

One area that is on everyone's mind is teacher training; both the training of new teachers and the re-training of classroom teachers. Not only is it important to maintain a consistently high quality of new and experienced teachers but every province is experiencing a shortage of teachers generally. In January 1989 the Canadian Teachers' Federation charted the imbalances in teacher supply and demand for all fields. A sharp increase in the demand for teachers that began in the mid-1980s is expected to continue throughout this decade, whereas the supply of teachers is expected to fall slightly over the same period of time. A national shortage of about 8,000 teachers will occur by the year 2000 if these trends do not change.

The shortage is particularly pressing when it comes to specialized teachers, second-language teachers in particular. Every province feels the pinch in one way or another. Some, like Prince Edward Island, have no training institutions of their own and must hire from outside the province. Some have excellent faculties of education but few fluently bilingual candidates. Rural areas and small, remote centres have difficulty attracting and keeping qualified second-language teachers. And some provinces like New Brunswick that do produce an adequate supply of teachers for their own schools lose many of their graduates to other parts of the country.

There are two aspects of second-language teacher training: language and methodology. Ideally every second-language teacher would be perfectly fluent in the language taught; this is not yet the case. Recently, the most important thrust of methodological training, particularly in-service training of working teachers, is establishing the use of the communicative approach as advocated by the National Core French Study.

Nova Scotia has taken an important step in addressing its own needs by hiring a consultant to co-ordinate teacher training by acting as a point of liaison between

the school boards and the teacher-training institutions (discussed in the Regional Roundup). Similarly, the University of New Brunswick's French Second Language Teacher Education Centre is working on a professional development plan designed to help school districts offer the most effective in-service training.

British Columbia's universities are preparing for an increase in demand for French second-language teachers that will be stimulated by that province's move to make French mandatory from grades 4 to 8 in all schools beginning in 1992. The French Resource Centre, formerly part of the Ministry of Education, has moved with its staff of two to Simon Fraser University. Simon Fraser is offering its student teachers an optional semester of language training, including five weeks in Quebec. The university is also running a series of eight in-service sessions for about 100 teachers from the lower mainland, who will be able to pass on the skills they learn to their colleagues.

The University of British Columbia has created a "fast track" program that compresses the length of training time for second-language teachers from two years to twelve months. It had also introduced a new program for core teachers, as distinct from the one for immersion and program cadre teachers. Its summer institute for French second-language training is now in its second year.

Since retaining teachers is as important as obtaining them, the Faculté St-Jean at the University of Alberta is hosting orientation sessions for incoming teachers; this is described in the Regional Roundup.

Second-language retention

A continuing concern of second-language students and their educators is the availability of real chances for graduates of second-language programs to use their skills. Will students lose their hard-won fluency in the course of university studies? Will linguistic dexterity atrophy through lack of use in their social and business milieus? How can students best be prepared to retain their language skills and how can the need for chances to practise be matched with the exigencies of the world beyond high school?

This Office has for some years been involved in research on language retention. In 1988 we commissioned the Ontario Institute for Studies in Education (OISE) to produce an annotated bibliography and summary of the issues that explored the factors that affect retention of a language after the end of a period of study. We are now supporting further research focusing on the identification of specific strategies and community resources to help students retain their knowledge. The study, expected to be completed by the spring of 1991, will eventually be made available to the public.

In our 1985 Annual Report we questioned "whether the bilingual job market so often referred to in promoting the learning of French as a second language really

exists, or will exist by the time a majority of this year's students begin their careers." This quotation introduced the final report, published in June, on "Prospects for Immersion Graduates: Bilingualism in the Private Sector". This study, also by OISE, found that a high proportion of private sector jobs requiring bilingual skills are below the career expectations of most immersion graduates. This is due partly to the fact that jobs requiring bilingualism tend to be those that involve some aspect of service to the general public; promotion from these jobs is likely to mean leaving the bilingual workplace. Immersion students were surveyed as to the field they hoped to enter upon graduation: bilingual jobs in their career choices are more likely to be found in the public sector.

One job singled out by the reseachers as an "available and appropriate entry-level position" for immersion graduates is "customer service representative" (CSR). Case studies were conducted in four private sector firms. In addition, simulated job interviews for six high school immersion graduates included interviews with personnel officers from companies offering CSR positions.

The interviewers found that three of the six graduates would have possessed sufficient French skills to qualify for CSR positions, indicating a fairly high degree of fluency on the part of the tested students. Because of the small number of students tested we must be cautious about making general statements. We can say, however, that the study showed that while some immersion students may reasonably expect to graduate from high school equipped to carry out work in their second language, the jobs they might normally expect to work in may not be those that require bilingualism.

We should not make it solely the responsibility of our post-secondary institutions to safeguard the second-language skills of their students; at this level a certain responsibility devolves upon the individual as well. But certainly responsiveness on the part of colleges and universities can have an influence on language retention through the completion of academic studies.

In this regard the University of Regina's Language Institute is an exemplary model. French second-language bachelor of education courses will be offered through the Language Institute, due to open officially in March. But the building will also offer classes in a variety of subjects taught in French. It will provide a location for conferences and seminars; its 150-seat auditorium will be a venue for concerts, films, lectures and other public events, and the Institute itself can be used as an immersive language-learning retreat as well as a French-only residence serving the university. A community liaison officer will co-ordinate a variety of uses of the facility that will involve students throughout the university, as well as local residents, Francophone and Francophile.

Another aspect of second-language retention is teacher training. It is now rare for teacher-training institutions to cover the question of retention with their own

students. A valuable addition to basic teacher education would be the integration of a methodological component discussing the factors that affect second-language retention which would then be part of their approach in the classroom.

Conclusion

The Canadian Federation of Teachers of English as a Second Language (TESL) launches a national public awareness campaign in May 1991 to inform Canadians about second-language learning needs across the country. The campaign stresses second-language education as an "investment in Canada's social and economic future." It also points out that "second-language ability enables us to work together to make Canada the kind of society we want."

Although TESL deals with the teaching of English to people whose mother tongue is neither English nor French, their philosophy strongly echoes our own thoughts about some of the good reasons to teach English and French to our children. The work we do in the linguistic garden as the century draws to a close will yield a rich harvest for Canadians of the 21st century.

2. Regional Roundup

Regional variations are a given in all questions having to do with education in Canada. In this section we carry through our discussion of the ways in which the recommendations and innovations suggested by special studies and researchers are beginning to be put into play. Some of the most exciting news comes from Quebec, where intensive English programs are spreading to new school boards. Elsewhere, as elaborated in the introduction, the big news is that long-term planning and wide, comprehensive studies are beginning to benefit individual schools and students.

Newfoundland

The Environics/Canadian Parents for French poll conducted in the fall of 1989 showed that a higher proportion of Newfoundlanders than the national average support second-language instruction. The Department of Education in Newfoundland — where French is mandatory from grades 4 to 9 — is implementing new curriculum materials in grade 5 this year. Next year new grade 6 materials will be available.

"Expanded core" French has spread into three more schools from just one last year. The expanded program usually includes a French-language course and one other course taught in French. A policy document for the program will soon be sent to the schools for comment.

The school boards have been combating the teacher shortage with local retraining programs, and two summer institutes were held at Memorial University last year. CPF has carried out a survey of immersion teachers and principals in order to assess the teacher training situation.

Prince Edward Island

In November 1990 the Minister of Education announced the acceptance of a number of recommendations of the Elementary Education Committee, whose report was based on extensive consultation within the school system. In general

these recommendations call for an integrated curriculum for grades 1 to 3, with more limited integration of subjects in grades 4 to 6. It is recommended that 10% of instructional time be allotted to second-language instruction in the core program. The Minister's announcement states that "the grade in which English instruction starts for students in French immersion is at issue. Further discussions will be undertaken with the school units to determine if flexibility is required in this area and the implications for subject integration." The recommendations will be implemented over a five-year period.

Immersion programs in Tignish and St-Louis were allowed to continue even though they did not meet the province's minimum enrolment requirements. A Souris program, however, was unable to begin, and members of CPF launched an awareness campaign to try to boost numbers in time for the next school year.

Since there are no facilities for training second-language teachers on the Island, schools must recruit from outside the province. In-service training in Prince Edward Island, as in most other parts of the country, is focusing on the communicative approach. Courses at the University of Prince Edward Island last summer reached about 45 of the province's 60 to 70 elementary second-language teachers.

CPF is preparing to host a conference for educators on high school French instruction. CPF also organized its first residential camp for students in grades 4 and 6. As well, about eight students carried out a six-month exchange with Quebec students in this, the third year of an exchange agreement between the two provinces.

Nova Scotia

Beginning in September 1990 all Nova Scotia high school students are required to pass one French course in order to graduate and as of 1996 one credit in French will be a requirement for students entering grade 10.

Currently, although most of the province's 17 universities and technical training institutes offer French-language courses, there is no specialized program for French teachers. The province has recently hired a consultant in French second-language teacher training, who has been touring the province and identifying needs for both core and immersion teacher training. Also, as mentioned in the introduction, the province is developing a five-credit program designed to train teachers who already hold a teaching certificate. In curriculum development, new guides for junior high school core French and elementary immersion are planned for 1991.

New Brunswick

New Brunswick has two distinct school systems, English and French. In its English section, where core French is obligatory from grades 4 to 10, there are

about 76,000 students enrolled in second-language courses. The province organizes intra-provincial exchanges involving about 1,000 students annually. Core French curriculum guides reflecting the research of the National Core French Study are being reviewed.

As of September 1991 New Brunswick will have a kindergarten level for the first time. It will be up to individual boards to decide whether French immersion — or any French at all — will be offered in kindergarten.

Teacher shortages are still a problem, although the province produces many qualified second-language teachers. The Department of Education is piloting a video called "Junior High Core French Techniques and Strategies". Also, within the next five years every French teacher is expected to have undergone an intensive week-long in-service session.

In the area of English as a second language, New Brunswick is revising the curriculum for both A track (unilingual) and B track (bilingual) students at all levels. Also, the evaluation of New Brunswick's experimental multi-media self-learning project (which we reported on last year) has been completed by Concordia University, and the Department of Education is hoping to extend it to the secondary levels and carry out a small-scale follow-up evaluation. Many aspects of this program that were positively evaluated seem to be applicable to the regular curriculum, including some of the audio-visual technology, the idea of self-learning and the individualized work assignments. The results will be exciting to watch as they unfold.

As a final note on Canada's only officially bilingual province, New Brunswick also has a provincial public service language training school, with 263 enrolments as of 1988-89.

Quebec

Second-language learning has always been considered important in Quebec. The CPF poll showed that Montrealers are more uniformly in favour of second-language education (91%) than any other regional group in Canada.

In 1988 the then Minister of Education, Claude Ryan, announced an overall action plan for improving the quality of French first-language teaching in Quebec. Implementation of this action plan has been underway since that time. In November 1990 the Department began consultations with concerned educators about a number of measures that have been proposed to improve French teaching.

In a parallel process, also announced by Mr. Ryan, consultations were held on English as a second language and this year a plan of action has been drafted by the Department of Education. English is compulsory in Quebec from grades 4 to

11, the end of high school. The reason that initial contact with the second language is delayed until the fourth year is that many educators believe it is important, especially in Quebec, to develop a solid knowledge of a student's first language before beginning to study a second.

Intensive English program

The success of the intensive English program continues. In this program grade 5 or 6 students spend a five-month period studying only English and then for the next five months they study French and mathematics. The Montreal Catholic School Commission, the largest in the province, has just begun to introduce this new approach into its schools. Intensive English students tested this year in the Asbestos school board surprised researchers by showing a sudden jump to a high level of proficiency between grade 8 and grade 9, even though they were no longer in an intensive stream by that time. Researchers had only expected to maintain acquired knowledge at this point in the program. The phenomenon seems to be partly explained by the increased motivation of students to use their English outside the classroom, including by watching English television programs. Curiously, the students were not aware of their own increased competence.

The bulletin *Info-Intensif* has ceased publication after four issues since it became too popular to be distributed free of charge; 1,000 people were on the mailing list for the final issue. A special interest group called "Intensig" — attached to the Société pour la promotion de l'enseignement de l'anglais (langue seconde) au Québec (SPEAQ) — has been formed. One of its first projects will be a "power weekend" for intensive English teachers.

We reported last year that supporters of intensive English were still awaiting "a study to confirm that the five-month break is no detriment to learning in other subjects." Since that time research has confirmed that students' progress in other subjects is not affected by their participation in the intensive English program.

The Concordia University team that evaluated intensive English last year has switched the emphasis of their studies to particular pedagogical problems. As reported last year, they discovered that, even five years after returning to the regular stream, intensive English graduates still retained benefits from the program when compared to students who had gone through other programs.

The ESL-LA (English as a second language — Language Arts) program has more than doubled in size, to 5,147 students since last year, and has spread from 18 to 26 school boards. ESL-LA, which offers increased exposure to a wide range of written texts, will be of particular benefit to intensive English graduates, who will need extra exercise for their English skills.

As of June 1991 Quebec ESL programs for grades 9 to 11 will be evaluated. Earlier grade levels have already been reviewed. One of the Department of

Education's specific concerns for action over the next while is the ESL program for "cheminement spécial" (or "special education") students. Quebec is also working towards developing more and better consultants in ESL.

French second-language instruction

In October the government announced that it would inject $2.3 million into a three-year plan to upgrade French second-language instruction in English schools. At the same time it released two documents, "Report on Instruction in French as a Second Language in the English Schools of Québec" and "Pedagogical Support Measures, 1990-1992". The first report presents findings of a province-wide survey carried out in November 1989 to determine the time spent learning French in elementary and secondary schools, organizational models used, principal needs and suggested avenues for action.

The second report outlines the actions the Department of Education is initiating from 1990 to 1992 to improve French second-language teaching. These proposed thrusts result from the survey mentioned above as well as program evaluation and consultations undertaken by the Department since 1985. The allocated funds will go toward the development of new programs, improved teacher training, research and evaluation. A portion of the money will be reserved for French second-language projects submitted by local school boards.

In undertaking improvements to FSL training, the Quebec government is responding to a key concern of English-speaking Quebecers: in a Sorecom poll commissioned by Alliance Quebec in May 1990, 84% of respondents indicated that French second-language instruction is very important to them; a survey of parents' attitudes in four school districts in west Quebec in 1987 showed that 90% of parents consider French language skills as important as or slightly more important than English language skills; and delegates to a one-day seminar which we reported on last year called for a concerted effort on the part of everyone involved to improve the teaching of French in English schools.

A report on French second-language instruction in west Quebec, sponsored by Canadian Parents for French and submitted to the Minister of Education in the spring concluded that students following the regular core French program required by the province's curriculum policy do not acquire enough French training to be able to work and live in a French environment. While this report and the survey mentioned above show that most elementary and secondary students actually receive more than the prescribed amount of French, the additional costs of providing this "extra" FSL training must be assumed by the school boards. Funding these programs is particularly difficult for small schools, which represent over half the schools in the English sector in Quebec.

To rectify the situation in west Quebec the report calls for increased funding from the provincial government to cover French language training in excess of provincial requirements, improved pedagogical materials and teacher training,

remedial help for students and increased support by the Department of Education of extra-curricular activities in French.

The government's plan of action for French second-language training was welcomed by Alliance Quebec, and the Quebec chapter of Canadian Parents for French sees it as "a step in the right direction". Long-term plans of the Department of Education include the development of reasonable objectives for FSL training.

In September the Department of Education began an intraprovincial exchange to help students discover the cultural diversity of Quebec. Financed by federal and provincial grants, the program pays all transportation costs for any grade 4 to 9 Anglophone class that wishes to visit a Francophone class at the same level. So far almost three times as many Francophone as Anglophone schools have applied, prompting the Department to increase efforts to promote the program in the English sector.

In May Alliance Quebec released the second edition of its "A Guide to French second-language Courses in Québec". Printed with the assistance of the Office de la langue française, the booklet lists courses, summer camps and other extra-curricular activities designed to help non-Francophones master French.

Ontario

French second-language enrolments in Ontario rose from 1,059,000 to 1,068,000 this year, a change of less than 1%. The dramatic increases of the 1980s have begun to moderate to a steady annual climb. However, immersion continues its upward climb, from 125,000 to an estimated 135,900.

The Ministry of Education sent a draft document, "French Language Arts within Extended and Immersion French Programs", to all education partners in Ontario for consultation purposes. Although this particular document deals primarily with the language arts portion of extended and immersion French programs, it also clarifies the relationship between the language and the subject courses within an integrated program. The next phase of the process will be the development of policy and program guidelines which will provide governing principles and structures for these programs as well as teaching guidelines. The proposal for action for French immersion programs which we reported was underway last year and which recommends some major changes for these programs is on hold, awaiting direction from the new government.

Shortages of French second-language teachers continue to concern Ontario educators. (Measures to combat teacher shortages in French-language schools is dealt with in the section on Minorities.) More teachers continue to be trained. Both last year and this year over 200 teachers were prepared for FSL teaching at the secondary level. At the elementary level, where shortages are more acute,

faculties of education continue to offer additional qualification courses (which are required in addition to a general teaching certificate to teach French in Ontario) both in the summer and in the evenings throughout the school year.

The Ministry of Education is continuing to work on a projection model to determine supply and demand for teachers in the 1990s and beyond. The government feels that if imbalances can be predicted before they occur appropriate measures can be taken by the various decision makers involved in education in the province. A particular concern for government planners is the imbalances in supply and demand of FSL and FFL teachers.

In some areas across Ontario school boards continue to make changes (sometimes after considerable debate) to accommodate the needs of expanding French immersion programs. In North Bay the Nipissing Board of Education decided to transform a senior public school into a dual track school and an elementary school (K-8) into a total immersion school. The Hastings County Board of Education added two additional French immersion programs in 1990. The Board of Education in Windsor contemplated the establishment of a third French immersion centre and the Lambton County School Board set up a task force to study different ways to meet the demand for immersion in Sarnia.

Ontario CPF organized three Rendez-Vous events this year, in Sudbury, Cornwall and at Glendon College in Toronto. As a new twist in 1991 they are encouraging their chapters to put together a Rendez-Vous in their area; one of the criteria for funding, which will be provided by the Department of the Secretary of State and Ontario's Office of Francophone Affairs, is collaboration with local Francophone associations.

Manitoba

CPF's poll showed that Manitobans have a fairly utilitarian view of French instruction; most saw it as beneficial to future job prospects. Although overall school enrolments dropped slightly, French enrolments continued to climb. Manitoba's core programs are still divided into "basic French" (about 40 minutes daily) and "conversational French", which offers less instructional time and is gradually being phased out.

Immersion continues to be popular. In the Fort Garry school division of Winnipeg, 25% to 35% of children entering school are going directly into French immersion. Less happily, French teacher shortages are a problem, especially outside Winnipeg. The immersion curriculum policy guideline mentioned in last year's Annual Report is still pending.

A consortium of four school divisions is proposing that the Department of Education develop and use distance education programs to teach French second-

language classes. A consultant hired by the consortium has developed a mathematics course that will be piloted in February 1991. Manitoba's distance education programs use a range of tools, including print components — like the traditional "correspondence course" — and weekly teleconferences.

Canadian Parents for French ran a Rendez-Vous event for about 85 grade 7 and 8 students at Collège St-Boniface, an institution that deserves praise for its innovative approach to reaching out to both Francophone and Francophile communities.

Saskatchewan

Nineteen-ninety was the 10th anniversary of the Official Minority Language Office, the Saskatchewan provincial government office that so ably follows and promotes programs that have to do with the Francophone community, including French first- and second-language teaching.

In line with the province's sweeping core curriculum initiative, all curriculum documents are being revamped. The project began in 1989-90, and final implementation in the area of French as a second language is to be in 1998-99. French immersion documents will be put into effect in 1991-92; science will be the first program. The core French curriculum will be studied in 1991-92.

Teacher recruitment is a difficulty even in the larger centres, although it is not yet regarded as a crisis. The Department of Education is continuing a series of in-service workshops for French second-language teachers. By now almost every FSL teacher has had a chance to learn what's new in French teaching methodology. In 1990 retraining of core French teachers was carried out at the Language Institute in Regina and at Collège Mathieu in Gravelbourg.

Canadian Parents for French has two new projects in Saskatchewan. The first is a "camp de jour", or summer touring program geared towards students in Division Two (grades 4 to 6). The program includes components like drama, dance and arts. The second has the punning title of "Un jour de Franco-fun". Third-year bachelor of education students from the University of Regina hold weekend workshops — like Rendez-Vous — for students in grades 5 and 6, to encourage them to continue their French studies into Division Three. The sessions are also part of the practical training for these university students. The Saskatchewan School of Performing Arts is still running another Rendez-Vous type of program that trains children in music, dance and theatre, with a performance at the end of the intensive session.

Alberta

The Environics poll stated that more than 56% of respondents in Alberta believe that Alberta children should take FSL to become bilingual. The province's

immersion enrolments have risen from 26,100 to about 28,200 since last year, and core has gone up from 152,000 to about 157,000. But in Grande Prairie parents rejected the proposal to make French mandatory from grades 4 to 9 at Harry Balfour and Sexsmith schools.

On the other hand, in February 1990 superintendents of Zone 6 (Medicine Hat) passed a resolution encouraging the teaching of FSL. A month later parents and students in Edmonton rallied to prevent a school commission reorganization that would have closed three immersion schools.

The Department of Education is continuing to try to keep new French teachers in the province by giving them the best possible start: for the third year in a row the Faculté St-Jean has hosted an orientation week for new immersion teachers. This year about 120 took part.

The Department is "just getting into" distance education. Some courses that are being developed for minority language schools can also be applied to immersion programs. In 1991 senior high school mathematics courses will begin to be available, and others, like agriculture and science, will follow next year.

Alberta students can begin their core French programs in grades 4, 7 or 10. Revised pilot programs for the beginning levels of these programs were introduced in the fall of 1990. Intermediate levels (grades 7 and 10) will be piloted in 1991 and the advanced component the following year.

It is interesting to note that there are 6,483 new immigrant students enrolled in English as a second language, and that these figures are "expected to skyrocket", according to one official of Alberta Education. Many of these students have an oriental language as their mother tongue.

British Columbia

British Columbia is launching "Year 2000", a new approach to elementary education. A new core curriculum has been developed from the recommendations of the Sullivan Commission on education.

One result, as mentioned in the introduction, will be the phasing in of compulsory French from grades 4 to 8 throughout the school system by 1992. Due to the shortage of qualified teachers it has been decided not to make French mandatory in grades 9 and 10 as the Commission recommended, but some boards will offer French in those grades. The Ministry of Education has subsidized teacher training programs at the province's three universities to help meet the increased demand for French teachers.

Meanwhile French immersion enrolments have risen from 26,900 to an estimated 29,800. The Ministry of Education has released the final publication of the

1988 French Immersion Assessment, discussed in earlier Reports. Grade 7 students in early and late immersion were tested on their writing abilities; grade 10 students were tested in French reading, speaking and listening. The performance of both groups was compared to that of native speakers. Some of the results: the immersion students performed very well, although native speakers had somewhat better reading skills and much better spoken skills. Also, immersion students showed a very positive attitude towards learning French; early immersion students were more advanced in speaking and listening than the late immersion group (although late immersion students showed comparable written skills). Finally, immersion students actually scored higher than their Francophone counterparts in punctuation and "sentence enrichment".

Meanwhile, in a disturbing set of developments over the past year, members of ostensibly pro-English lobby groups have used school board elections and other discussions about education as a forum to air their views. Lobby group members ran for trusteeships, and all-candidates' meetings in certain areas erupted into heated discussions about the pros and cons of French immersion education.

In the Sooke District School Board (Victoria) the Alliance for the Preservation of English in Canada (APEC) was unsuccessful in its bid to end French immersion programs. The school trustees rejected APEC's claims that immersion programs dilute the English language and culture and are a waste of time and money, and pointed out a series of grammatical and spelling errors in the organization's brief.

In the Sunshine Coast School District, a study of existing immersion programs prompted the cancellation of early immersion; immersion will instead be offered from grades 4 to 12. Among other reasons offered for the decision were teacher recruiting problems and the difficulty of trying to offer diverse programs in a small school district. Some parents were upset enough over the decision to start their own privately-funded school, "L'école passe-partout". The parents have hired qualified teachers and are using the most modern, "Year 2000" curriculum materials. Meanwhile, a court case launched by parents was decided in favour of the board. The judgment is under appeal at the time of writing, and a decision is expected in early 1991.

On a lighter note, the University of British Columbia was the setting for a Rendez-Vous event in May 1990, which included some students from the Yukon.

Yukon

Immersion has expanded to grade 10 in F.H. Collins High School. By 1992 immersion will be available in the Yukon from kindergarten to grade 12. Core French has been extended from grade 4 to grade 1 in 13 of the Territory's 26 schools. Elementary and junior high school teachers are being brought up to date

in their teaching methods, with special stress on the introduction of the communicative approach to language teaching. Distance education has played an important part in teacher training in the Yukon since 1988, through the co-operation of the Faculté St-Jean in Alberta. There are now adult conversation classes in Haines Junction and Watson Lake. A French reference section has begun to be added to the library of Yukon College.

Northwest Territories

French immersion enrolments are up from 380 to an estimated 420 this year; immersion is available only in Yellowknife. A new core French curriculum for grades 1 to 6 was piloted in 1990-91. Meanwhile work is underway on the grade 7 to 12 curriculum. As usual, Canadian Parents for French's Camp de Neige and Concours oratoire made an important contribution to opportunities for French language learning. Arctic College in Iqaluit is offering advanced French for adults this year, as well as translating Inuit texts into French.

APPENDICES

Office of the Commissioner: On the Barricades

As the year began and the finishing touches were applied to his 1989 Annual Report, the Commissioner noted with regret that 80% of federal institutions had taken little notice of the 1988 Official Languages Act and of his "Blueprint for Action", in which he had sketched the framework for full implementation of the Act. In the absence of renewed action by most federal bodies, and in particular the lack of directives, draft regulations and other initiatives from central agencies, the Commissioner and his staff had to spend a significant portion of 1990 pestering the government into action, processing an increasing number of complaints from the public, as well as conducting the usual audits of institutions and developing positions and policies on an array of issues.

The Commissioner's activities and positions

To the extent possible in these circumstances, the Commissioner devoted a major effort in the last full year of his seven-year mandate to meeting and addressing individuals and groups with a strong interest in official languages — parents of both language groups, members of minority language associations, government officials and the media.

Implementing the Act

April 3, 1990. The 1989 Annual Report was tabled in Parliament. One of its central points was that the government should table regulations and issue directives to federal departments and agencies. In interviews with the media, the Commissioner said that he might be forced to consider his resignation. In reply to detailed written questions he received assurances from the Prime Minister and the President of the Treasury Board that action would be taken, although the commitments were not precise.

The Prime Minister wrote on May 8: "I wish to assure you that our conviction and our determination remain as firm as they have been since the beginning." President of the Treasury Board Robert de Cotret wrote on July 5: "the adoption of these regulations as soon as possible of course remains one of my top priorities."

June 14, 1990. The Standing Joint Committee on Official Languages, at the urging of minority groups and the Commissioner, demanded in a unanimous report to the Senate and the House that regulations be tabled.

September 15, 1990. On the second anniversary of the date on which the new Act came into force, the Commissioner noted that little substantial progress had been made in its implementation. He announced that an application had been filed with the Federal Court concerning Air Canada's failure to communicate in the French-language minority press in areas of significant demand as prescribed by Section 30. This was the first application by the Commissioner to the Court under the new Act. A hearing date had not been scheduled by the end of the year. He also announced that three special reports had been submitted to the President of the Treasury Board. They dealt with inadequate active offer of service, particularly in small minority communities; the absence of a clear policy on the use of the official language minority press; and the fact that Section 91 of the Act concerning the establishment of objective linguistic criteria for staffing bilingual positions is largely unknown or misunderstood by managers in federal institutions.

In early October, the Treasury Board informed the Commissioner that it was preparing to send letters to federal institutions to clarify their obligations regarding the use of the official language minority press. It was also preparing a letter regarding Section 91 to be sent to all directors general of federal institutions. And, in the area of active offer of service, it recognized the need to find ways of encouraging federal employees to apply the principles of the 1982 directives on active offer, as well as Section 28 of the Act.

October 25, 1990. After making unsuccessful urgent representations to the highest authorities, the Commissioner tabled a Special Report to Parliament demanding regulations and directives.

November 8, 1990. The President of the Treasury Board tabled a draft of a proposed regulation dealing with communications with and services to the public and defining the practical meaning of "significant demand".

December 5, 1990. Following the President of the Treasury Board, the Commissioner and the leaders of minority associations appeared before the Standing Joint Committee on Official Languages to comment on the draft regulation. While agreeing with its general thrust, the Commissioner presented detailed suggestions for improvements. (See Part I, Chapter 2.) The Committee had not yet reported by year's end.

Communications activities

Each of the special initiatives in the campaign for draft regulations brought with it new opportunities to disseminate information through the media about the

Official Languages Act and language duality. The tabling of the Annual Report, for example, was accompanied by a press conference and 36 separate interviews.

The mid-winter flurry of petitions in support of unilingual English administration for Ontario municipalities and subsequent declarations of municipal unilingualism brought with it a gust of requests for interviews. In more than 30 interviews, the Commissioner tried to limit the damage to relations between English- and French-speakers and to set the record straight on factual matters.

During the debate in the House of Commons in the wake of the unilingual municipalities crisis, the Prime Minister, commenting on the Commissioner's position, stated that he was "a dispassionate, sensitive and objective observer of linguistic matters in this country."

The failure of the Meech Lake Accord led the Commissioner to point out through all available media that while "improved recognition of language duality cannot save Canada, without it the country would surely be on the road to ruin."

A series of editorials in *Language and Society* as well as speeches and interviews explored and developed the theme of language duality in Canada's past and future. Twenty-three newspapers, with a combined circulation of some three million copies, published the editorials, and there followed a vigorous dialogue between the written press and people especially interested in official languages. All this served to explain, as part of the great national debate, the importance and durability of language duality. It was, however, an uphill battle since public attention naturally remained focused on other aspects of the constitutional crisis.

The reasons for faith and confidence in Canada's future in these troubled times were the major theme of the Commissioner's speeches in 1990. "Linguistic Duality After Meech: Consensus, Continuity and Common Sense" was the title of an address at McGill University. "The Nineties: A Time for Faith and Continued Progress" was the theme for a speech at the annual conference of Canadian Parents for French in Halifax. At L'Institut France-Amérique in Paris the Commissioner spoke on "The Recognition of Language Duality: A Trans-Canadian Bridge" and, at the general meeting of the Association canadienne-française de l'Ontario, on "La communauté franco-ontarienne: progrès, obstacles et vouloir vivre!" In all, the Commissioner delivered 26 speeches in 1990 and gave two press conferences in Ottawa and one in virtually every provincial or territorial capital. He also gave 113 interviews (61 in English and 52 in French) compared to 52 in 1989.

Parliamentary Committees and Royal Commissions

In keeping with the spirit of Section 82 of the Official Languages Act, which establishes its primacy over other acts of Parliament, the Commissioner

regularly appears before or submits briefs to parliamentary committees and similar groups to provide advice or comment on a broad range of policy concerns, including assessments of the impact of new legislation on the status of the official languages.

On February 1 he submitted a brief to the House of Commons committee considering Bill C-40, the revised broadcasting legislation.

On March 12 he appeared before the Royal Commission on Electoral Reform and on April 27 before the Special Committee to Study the Proposed Companion Resolution to the Meech Lake Accord (the Charest Committee).

On November 20 he appeared before the House of Commons committee responsible for examining the bill to privatize Petro-Canada.

As in previous years, the Commissioner appeared frequently before the Standing Joint Committee on Official Languages (see Part I), notably during its consideration of official languages in the Canada Post Corporation, unilingualism proclamations by some Ontario municipal councils, the advertising practices of Air Canada and his Annual Report and main estimates.

Activities outside the National Capital

In the last full year of his mandate, the Commissioner visited every province and both territories to meet with leaders of minority associations and parents' groups, often at the time of their annual meeting.

He also met with provincial and territorial authorities to discuss the application of Section 23 of the Charter of Rights as well as other issues of concern to minority communities, and with the regional offices of some federal institutions, particularly those which have set the example in language matters. Journalists outside the national capital usually asked him to compare the status accorded to official languages in their region or province with that given them elsewhere.

Each trip was unique in terms of local and regional problems, but the major issues addressed in 1990 were the right to minority language instruction and governance following the Supreme Court decision in the Mahé case, and the importance of making progress in other areas such as services to minorities and second-language instruction, despite the setbacks associated with the failure of the Meech Lake Accord.

In the East, the Commissioner met with Premiers Wells and McKenna. In Ontario he held discussions with both Premier Peterson and his successor, Premier Rae, only two months after the latter formed the new government. In other provinces he met with senior ministers and officials and, in the Yukon and in the

Northwest Territories (where official languages legislation will come largely into force in 1991), he discussed matters with territorial leaders.

International activities

In the spring of 1990 the Commissioner responded to invitations from Europe to describe the Canadian experience in language reform. He gave addresses in Switzerland (Berne and Lausanne) and in France (Paris and Bordeaux.) At year's end, he accepted an invitation to give a major address in the United States in the spring of 1991.

In a speech and resolution presented to the Canadian Ombudsmen Conference, the Commissioner explored the possible role of Canadian ombudsmen in defence of human rights in areas of the globe where the idea of the ombudsman has not yet been introduced or accepted. The International Institute of Ombudsmen accepted his proposal that it pursue the endeavour.

The branches of the Office

The Commissioner devotes a full month every year to overseeing production of the Annual Report. Two branches, Policy and Complaints and Audits, are directly involved in preparation of the content of the Report, while the Communications Branch oversees production.

The **Policy Branch** played a key role in supporting the Commissioner in a series of initiatives to encourage the government to table draft regulations, particularly in connection with his Special Report to Parliament. It also provided support for other initiatives and conducted or supervised a variety of research projects, notably a study of the education rights of official language minorities and another of language behaviour and attitudes in the National Capital Region.

The Branch monitored the activities of parliamentary committees and assisted the Commissioner in preparing for his appearances before the Standing Joint Committee on Official Languages and other forums. It provided advice on matters of particular concern to the Commissioner and played a liaison role with national minority and educational associations.

It took the lead role in preparing the Commissioner's speeches, wrote a number of articles for *Language and Society* and participated actively in the preparation of a major part of the Annual Report.

In support of the Commissioner's ombudsman role, the **Complaints and Audits Branch** handled 2,690 complaints files in 1990, of which 2,167 were considered to be infractions of the Official Languages Act. It initiated the process of applying for court remedy in relation to complaints against Air Canada's advertising in

the minority periodicals and helped the Commissioner in his work with the Canadian Ombudsman Conference and the International Ombudsman Institute.

In support of the Commissioner's role as auditor of the compliance of federal institutions with the Official Languages Act, the Branch conducted 10 audits and five follow-ups. It also prepared three special studies on active offer and language of work in Quebec and three special reports to the Governor in Council on active offer, use of the minority language media and the application of Section 91.

The Branch conducted fewer audits and follow-ups in 1990 compared to previous years, since it had to devote more time, energy and money to handling the increasing number of complaints, a change in priorities and budget cuts.

The Branch also played an active part in preparations for the Commissioner's appearances before the Standing Joint Committee and convened two information meetings of officers responsible for official languages in federal institutions.

The **Regional Operations Branch** has a small staff at headquarters in Ottawa and five regional offices, each of which currently has a part-time liaison officer in another city in addition to its permanent staff. The liaison officers work closely with the minority language community in centres far removed from regional offices.

The regional offices together received a total of 1,887 complaints over the year (70% of all we received) and participated in a number of audits and special studies of the regional operations of federal institutions. Regional personnel also made presentations at a wide variety of events, meeting with over 20,000 members of the general public, public servants and members of associations and other groups to explain the Act and the role of the Commissioner.

In 1990 the central themes of the Branch were improved internal planning and evaluation, increased decentralization of some operational functions such as complaints handling and distribution of communications materials, and intensified co-ordination to ensure that regional initiatives continue to conform to a national strategic framework and adhere to the Commissioner's mandate as set out in the Act. The Branch also re-examined the apportionment of its liaison activities to maintain a balance among the regional offices' principal client groups, which include majority and minority language communities, federal public servants and the general public.

In 1990 the **Communications Branch** published numerous information documents and participated in various activities designed to promote the equality of status of English and French, encourage official language minorities to assert their language rights and inform the general public of progress in language reform.

Some 17,000 copies of each issue of the Commissioner's quarterly review, *Language and Society*, were distributed; it has over 10,600 subscribers in Canada and others abroad. In Number 31, Summer 1990, the editors conducted a survey to determine what readers thought of the magazine. Most said they were satisfied with its content and the range of subjects discussed and made good suggestions for improving the publication. In addition, many Canadians, invited to take part in the "Why I Love Canada!" contest in the same issue, enthusiastically took up the challenge. The five winning submissions, as well as the names of the other five participants who won honourable mention, were published in Number 32.

Agenda 1990-1991, prepared by the Youth Program, once again enjoyed great success with young people, specifically grade 11/secondary V students. This edition was distributed to nearly 200,000 students across Canada. The Youth Program, with the assistance of an advisory committee consisting of representatives of education departments of all the provinces and territories, is pursuing the development of information material for 8 to 11 year-olds.

A number of new publications appeared in 1990. The Branch published a bilingual brochure, "Court Remedy: Towards Linguistic Justice", which explains the procedure when a complainant wishes to take a case to the Federal Court under Part X of the 1988 Official Languages Act. In addition, a *History of the Office of the Commissioner of Official Languages* was published in the spring of 1990. This bilingual document is addressed to those interested in the role and development of the Office from its beginnings to 1989. The Branch also prepared a reference document for specialists and interested members of the public, *Our Two Official Languages Over Time*, which contains general information on language matters in Canada from 1867 to 1990. *Official Languages: Some Basic Facts* is a new reference document for Members of Parliament, journalists and others who have to answer recurring questions about the Official Languages Act, bilingualism in the federal Public Service and the cost of official bilingualism.

There was strong demand for our videotapes, especially "The Magic Mural" and "Two Languages, One Country". An evaluation of these two tapes confirmed their appropriateness to school use in particular, and showed their effectiveness in communicating the intended messages to target groups.

Public service messages were broadcast on television and radio beginning in August 1990. The purpose of the messages was to inform the Francophone minority outside Quebec, as well as Anglophones and Francophones in Quebec, of their right to receive services from federal institutions in the official language of their choice and to publicize the ombudsman role of the Commissioner.

In an effort to encourage official languages minorities to use the language of their choice when dealing with federal institutions, the Branch published, as a pilot project, counter cards bearing the telephone numbers of some federal agencies that provide service in both official languages. The cards were distributed in Gaspé, Quebec, and in Sydney, Chéticamp and Isle Madame in Nova Scotia.

Because of the interest shown in official languages issues in 1990 the Branch had a very eventful year in terms of media relations. The Commissioner gave 113 media interviews compared to 52 in 1989, and his spokespersons gave 72 additional media interviews. The Media Relations Service is responsible for organizing the Commissioner's press conferences and interviews, for writing and planning the distribution of press releases, for preparing the daily press review and the monthly press analysis and for organizing the distribution of speeches, articles and other documents.

The **Resource Management Branch** provides personnel administration, financial, computer, official languages and administrative services. In 1990 the Branch negotiated a letter of understanding with Health and Welfare Canada for an Employee Assistance Program and undertook the indexing and archiving of all audio-visual materials produced over the years by the Office for purposes of information and internal training. The Office has designated an employee to coordinate all its automation activities and implemented a project called Economy-Ecology to economize and maximize the use of resources by recycling paper products and conserving energy. At year's end the Branch was implementing an incentive awards program to recognize valuable contributions made by Office employees.

One of the Branch's goals is to achieve equitable participation rates in the Office for Anglophones, Francophones and employment equity target group members. Anglophone participation rates have grown steadily from a level of 25% in 1985 to a still unsatisfactory 33.9% in 1990. Senior management has remained 50% English-speaking and 50% French-speaking. In 1990 the Office reached target levels established by the Treasury Board Secretariat for visible minorities, disabled persons and Native peoples. Women continue to be well represented. They constitute 53.2% of all employees, 42% of the officer levels, and one-third of the Management category.

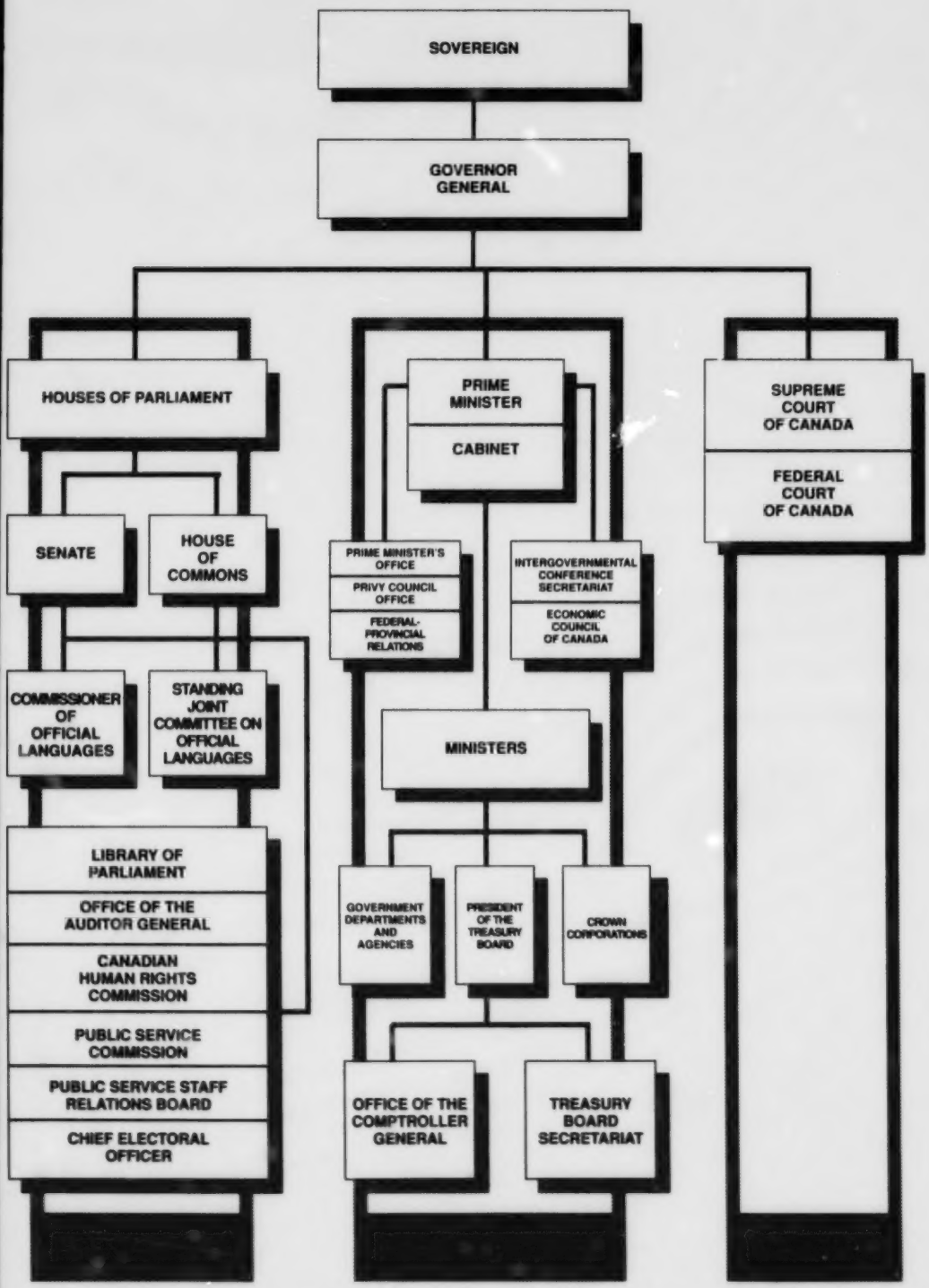
Office of the Commissioner of Official Languages: person-years and budget 1990-91

Branch	Person-years	Budget ($000s)
Policy	15	1,290
Complaints and Audits	60	4,320
Regional Operations	32	2,315
Communications	22	2,824
Resource Management*	40	2,440
TOTAL	169	13,189

* Includes the offices of the Commissioner and Deputy Commissioner.

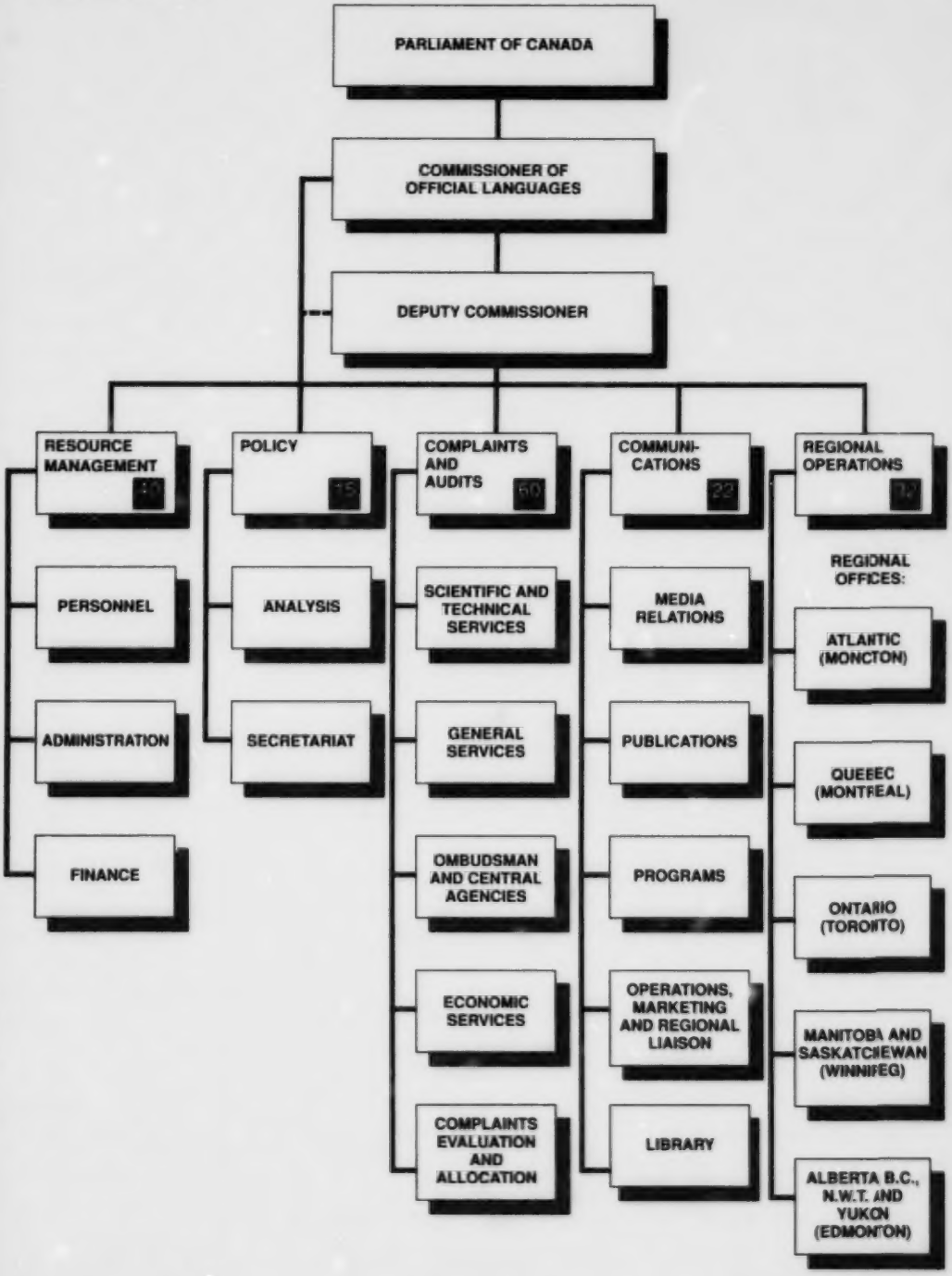
GOVERNMENT OF CANADA

Abridged Organization Chart



OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Organization Chart



■ person-years

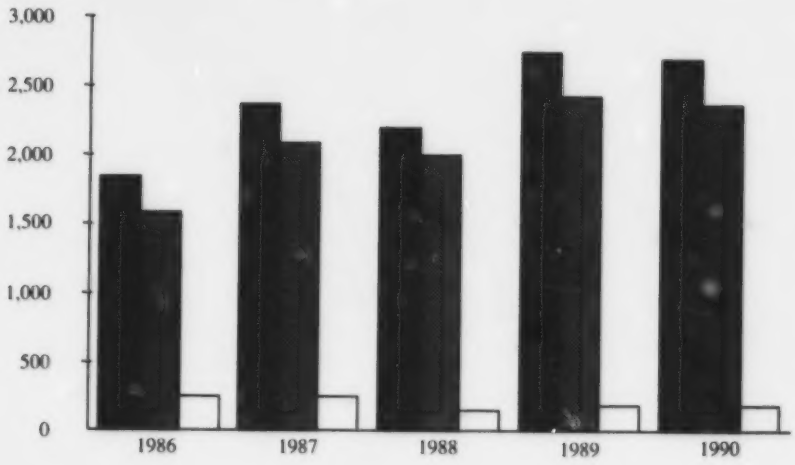
A.1

Number of complaints and information requests received, jurisdiction and nature of complaints, according to the language of the infraction, for each province/territory, 1990

	1985-1989	1990											
	Average no. of complaints received						Nature and language of complaints						
		Com-plaints	Infor-mation requests	Total	Jurisdiction		English			French			
							Service to the public	Lan-guage of work	Other	Service to the public	Lan-guage of work	Other
	Number	Number	Number	Number	Federal	Non-Federal						
Newfoundland	72	59	3	62	57	2	0	0	0	59	0	0
Prince Edward Island	60	79	3	82	77	2	0	0	0	78	0	1
Nova Scotia	309	366	19	385	354	12	2	0	2	350	6	6
New Brunswick	184	213	49	262	192	21	10	1	6	163	23	10
Quebec[a]	203	302	61	363	288	14	124	16	3	111	35	13
NCR – Quebec	35	61	16	77	57	4	12	2	3	24	11	9
NCR – Ontario	441	441	192	633	414	27	51	5	10	246	74	55
Ontario[b]	262	457	69	526	443	14	41	0	2	402	5	7
Manitoba	148	252	35	287	230	22	8	1	1	234	4	4
Saskatchewan	52	48	15	63	47	1	2	0	0	46	0	0
Alberta	126	232	52	284	224	8	5	0	1	221	1	4
British Columbia	82	155	38	193	148	7	14	0	0	137	1	3
Northwest Territories	5	1	2	3	1	0	0	0	0	1	0	0
Yukon	7	9	0	9	8	1	0	0	0	8	0	1
Foreign	15	15	4	19	12	3	2	0	0	12	1	0
TOTAL	**2,001**	**2,690**	**558**	**3,248**	**2,552**	**138**	**271**	**25**	**28**	**2,092**	**161**	**113**

[a] Excludes the Quebec portion of the National Capital Region.
[b] Excludes the Ontario portion of the National Capital Region.

A.2 COMPLAINTS OVER THE YEARS



	TOTAL	Service to the public	Language of work	Other
1986	1,840 *	1,583	242	15
1987	2,360 *	2,080	248	32
1988	2,189	1,997	144	48
1989	2,743	2,417	189	137
1990	2,690	2,363	186	141

* For the purposes of this table, language of work complaints regarding CSIS (1,784 in 1986 and 456 in 1987) have been regrouped and are counted as one complaint.

A.3 COMPLAINTS

Number of substantiated complaints received by institution, 1989 and 1990

Institution*	1989	1990
Air Canada	234	255
Canada Mortgage and Housing Corporation	31	21
Canada Post Corporation	351	297
Canadian National	14	20
Consumer and Corporate Affairs	33	119
Correctional Service	32	45
Defence Construction	17	79
Employment and Immigration	130	138
Environment	55	57
External Affairs	34	19
Federal Business Development Bank	19	15
Finance	2	45
Health and Welfare	53	31
National Defence	97	93
Petro-Canada	23	20
Public Service Commission	37	41
Public Works	48	30
Revenue Canada (Customs and Excise)	39	90
Revenue Canada (Taxation)	63	37
Royal Canadian Mounted Police	46	48
Supply and Services	53	29
Transport	321	252
Via Rail	27	53

• Only those institutions that were the subject of 15 or more complaints in 1990 are listed above.

A.4

AUDITS, FOLLOW-UPS AND SPECIAL STUDIES

Audits, follow-ups and special studies conducted in federal departments and agencies, 1988, 1989 and 1990

1988

Audits
Air Canada (Atlantic)
Canada Labour Relations Board
Correctional Service of Canada (Quebec)
Health and Welfare
Indian Affairs and Northern Development (Northern program)
Revenue Canada (Taxation) (first stage)
Royal Canadian Mounted Police (Headquarters)
Secretary of State (Citizenship Court)
Solicitor General of Canada
Statistics Canada
Transport Canada (Coast Guard – Atlantic)

Follow-ups
Canada Post Corporation (participation and language of work – Ottawa)
Environment
External Affairs (central administration)
National Capital Commission
Marine Atlantic

Special Studies
National and International Events
Environment (western parks)
National Defence (Francotrain)
Telephone reception (service to the public)

1989

Audits
Air Canada
Canada Labour Relations Board
Correctional Service Canada – Quebec Region (Cowansville, Donnacona, Archambault)
Employment and Immigration Canada – Western Region
Farm Credit Corporation
Health and Welfare
Indian Affairs and Northern Development – Inuit and Central Administration
Office of the Commissioner of Official Languages
Royal Canadian Mounted Police – Headquarters
Supply and Services – Supply
Transport Canada - Canadian Coast Guard (Maritimes)

Follow-ups
Canada Post Corporation – Language of Work (1984 Recommendations)
Correctional Service Canada – Drummond
Environment – Environmental Services
External Affairs
Marine Atlantic – Service to the Public
Medical Research Council

Special Studies
Language of Work in New Brunswick
National and International Events
The Language of Occupational Training in the Canadian Forces
The Public Service Commission's Language Training Program — Phase I

1990

Audits
Air Canada
Atomic Energy of Canada Limited
Communications Canada
Employment and Immigration Canada (Quebec)
Environment Canada (Ontario and Quebec)
Natural Sciences and Engineering Research Council of Canada
Revenue Canada – Taxation (Atlantic)
Revenue Canada – Taxation (Ontario)
Revenue Canada – Taxation (Quebec)
Revenue Canada – Taxation (Taxation Centres – Ontario and Quebec)
Revenue Canada – Taxation (West)
Secretary of State of Canada (Citizenship and Registration)

Follow-ups
Canada Mortgage and Housing Corporation
Industry, Science and Technology Canada
Public Service Commission of Canada

Special Studies
Active Offer (Institutions)
Active Offer (Travelling public)
Implementation of Section 91 of the OLA
Language of Work in Quebec
Use of the Minority Language Media

INTERESTED IN LANGUAGE MATTERS?

A.5

Publications, audio-visual materials, posters and kits produced by the Office of the Commissioner of Official Languages

ADULT MATERIALS

Annual Report (R)
A bilingual publication tabled in Parliament each spring. Provides Members of Parliament and Senators as well as the general public with a yearly assessment of progress achieved in Canada's language reform program.

Extracts from the Annual Report 1990

Retrospective: From One Crisis to Another
The Quiet Revolution of Official Languages and the Challenge for Partnership (20W)
The evolution of constitutional, judicial and political matters affecting linguistic duality and minority communities in Canada from the 1981 Canadian Charter of Rights and Freedoms to 1990.

Regulations:
At Last, the First Draft — When the Next? (21W)
A description of the proposed draft regulations on communications with and service to the public, including the Commissioner's opinions and recommendations for improvement.

Minorities (17W)
A discussion of policy issues and a review of province-by-province developments affecting our official language minority groups.

Second-Language Instruction (18W)
A policy overview and regional roundup of developments in second-language instruction.

Office of the Commissioner of Official Languages:
On the Barricades (19W)
An overview of the functions of the various components of the Commissioner's Office with a summary of 1990's activities. Appendices on other aspects of official languages are also included.

Language and Society (L)
A bilingual quarterly review for those interested in language issues, especially opinion leaders, social and political commentators, educators, and leaders in voluntary organizations, the private sector and linguistic communities. The review aims at reflecting the linguistic experience of Canadians and at keeping them informed of relevant major events.

Index to Language and Society (OL)
A bilingual title index of the articles contained in all the issues of *Language and Society* published to date.

Extracts from Language and Society

Language of Work in the Federal Public Service (24W)
A factual and meticulous account based on a survey conducted in New Brunswick.

25,000 Complaints! (26W)
Complaints are the means of safeguarding your language rights. The Commissioner of Official Languages and his responsibilities as ombudsman.

25 Years after the B and B Commission (27W)
An account of the development of bilingualism in Canada since the publication of the famous editorial by André Laurendeau.

Speeches (1D)
A collection of 12 speeches by the Commissioner on a wide range of subjects of interest to everyone who is concerned with the linguistic situation in Canada.

The Official Languages Act, 1988 (9C)
The complete text of the Act, in both languages, presented in handy booklet form.

Official Languages Act, 1988: Synopsis (13W)
A bilingual summary of the main elements of the Act.

The New Official Languages Act (3Q)
A bilingual brochure explaining the Official Languages Act, 1988.

The New Official Languages Act and the Minority Communities (2Q)
A bilingual brochure explaining the Official Languages Act, 1988, and how as language ombudsman the Commissioner protects the language rights of minority communities.

The Office of the Commissioner of Official Languages: A Twenty Year Chronicle (6Q)
A valuable research tool, for those interested in the role and development of this agency, which traces the history of the Office from the beginnings to 1989. This booklet presents the historical facts relating to the evolution of Canada's official languages and the goals and achievements of the three Commissioners. (Out of stock; will be reprinted in 1991.)

Our Two Official Languages Over Time (13Q)
A reference document detailing the events that led to the special status of English and French in Canada. This chronological survey also includes the main judicial decisions in matters relating to official languages.

Court Remedy: Towards Linguistic Justice (12Q)
A bilingual brochure that describes for complainants the steps to follow should they decide to apply to the Federal Court to uphold language rights in accordance with Part X of the Official Languages Act, 1988.

NEW PRODUCTS!

Official Languages — Some Basic Facts (9Q)
A 40-page bilingual booklet which provides factual information on the implementation of federal official languages policies. It provides responses to frequently asked questions regarding the Official Languages Act of Canada, bilingualism and the federal Public Service and the cost of official bilingualism. (Document being updated; the revised version will be available in summer 1991.)

Annotated Bibliography of the Official Languages of Canada (15Q)
An annotated bibliography of 88 works published between 1960 and 1989 dealing with official languages in Canada.

The Office of the Commissioner of Official Languages — A Keen Interest in Youth (3J)
A 10-page bilingual document describing the Office's "Youth Option": the Youth Program's efforts to sensitize young people to Canada's linguistic duality and the interest and involvement in education, notably second-language learning and official language minority education rights.

Official Language Minority Rights in Canada: From Instruction to Management (14Q)
An 800-page bilingual document presenting the findings of research conducted for the Office by Angéline Martel. This book is aimed at specialists who are involved in the implementation of Section 23 of the Canadian Charter of Rights and Freedoms and contains data and analyses to promote informed and concerted action in the field.

MATERIALS FOR YOUNG PEOPLE

You Put It in Words (2V)
A collection of the best works written by young people aged 15 to 24 for a creative writing contest held by the Commissioner to celebrate International Youth Year. English selections appear on one side of the publication, French on the other.

Share the Vision
A resource kit which gives unique insights into how young Canadians think and feel about living in a bilingual country. Each kit contains the publication *You Put It in Words*, the *Fiction in Action* video and a Study Guide. **Available to teachers and organizations only.**

Explorations (1K)
A bilingual game inviting young people 12 years of age and older to discover our world's rich linguistic diversity and to learn about the roles of English and French as international languages. Designed for up to four players.

Agenda
A personal illustrated bilingual calendar-diary for grade 11 students, filled with facts and figures about Canada and its two official languages. Distributed in August through schools.

POSTERS

Feathered Friends (10K)
An attractive poster giving the English and French names of a variety of North American birds. 45 x 55 cm.

Owls Hoot (9J)
This colourful bilingual poster shows birds and animals and describes the sound each makes, in English and French. 45 x 60 cm.

English and French...in almost half the countries of the world (9K)
A bilingual poster showing, on colourful air balloons, the flags of countries where English and French are spoken. A legend on the back identifies each flag. 50 x 70 cm.

Canada Goose (9T)
Through six light-hearted illustrations featuring a Canada Goose character, this poster shows young Canadians up to nine years of age that federal government service is available in both official languages. 90 x 60cm.

Two official languages/Two-part harmony (11Q)
A bright and attractive poster which features an array of colourful birds singing the message "Pass it along!" 66 x 51 cm.

AUDIO-VISUAL MATERIALS

The Magic Mural
This animated video features Julie and Daniel, two characters lost in an imaginary world. Children five to seven years old will follow their adventures and discover that people can get along and do things together even if they do not understand one another's language. Distributed to teachers and group leaders with a Study Guide and poster. VHS video cassette. Colour. Ten minutes.

Two Languages, One Country
An animated, humorous map of Canada shows the special place of English and French in our country. The stretch of history surveyed is impressive and provides the background to modern legislation, including the Official Languages Act, 1988. Accompanied by a Study Guide and reference documentation. Suitable for workshops, classrooms, seminars and training and information sessions. VHS video cassette. Colour. Twenty minutes.

Bilingualism Twenty Years Later
Interviews with a number of opinion leaders provide insight into the progress achieved with regard to official languages in Canada. Produced in 1984, this video commemorates the 20th anniversary of the Royal Commission on Bilingualism and Biculturalism. VHS video cassette. Colour. Thirty minutes.

Official Languages: The 20th Anniversary
A brisk documentary of a celebration on Parliament Hill in June 1989 to mark the 20th anniversary of the adoption of the first Official Languages Act and the work begun a quarter century ago by the Royal Commission on Bilingualism and Biculturalism. VHS video cassette. Colour. Seven minutes.

All materials produced by the Office of the Commissioner of Official Languages are distributed free of charge upon request. They are not available for general distribution outside Canada. We reserve the right to limit quantities.

To obtain these items, please write to the Communications Branch, Office of the Commissioner of Official Languages, Ottawa, Canada K1A 0T8, or call (613) 995-0826.

Other related Annual Reports:

Secretary of State of Canada — Contact: Communications Branch
Secretary of State
Ottawa, Ontario
K1A 0M5

Treasury Board of Canada — Contact: Distribution Centre
Treasury Board of Canada
Ottawa, Ontario
K1A 0R5

TABLES

B.1 LINGUISTIC COMPOSITION OF CANADA BY OFFICIAL LANGUAGE

1986 Census Results[1]

	MOTHER TONGUE[2]			HOME LANGUAGE[3]		
	English	French	Other	English	French	Other
Canada	15,709,650 (62.1%)	6,354,840 (25.1%)	3,244,850 (12.8%)	17,249,900 (68.9%)	6,015,680 (24.0%)	1,756,425 (7.0%)
Newfoundland	561,300 (98.8%)	2,670 (0.5%)	4,375 (0.8%)	559,770 (99.2%)	2,110 (0.4%)	2,135 (0.4%)
Prince Edward Island	119,175 (94.1%)	5,920 (4.7%)	1,555 (1.2%)	121,070 (96.8%)	3,485 (2.8%)	535 (0.4%)
Nova Scotia	818,905 (93.8%)	35,810 (4.1%)	18,450 (2.1%)	829,790 (96.0%)	24,720 (2.9%)	9,595 (1.1%)
New Brunswick	462,935 (65.3%)	237,570 (33.5%)	8,940 (1.3%)	478,125 (68.1%)	219,350 (31.3%)	4,385 (0.6%)
Quebec	678,785 (10.4%)	5,408,980 (82.8%)	444,695 (6.8%)	796,695 (12.3%)	5,343,210 (82.8%)	314,600 (4.9%)
Ontario	7,097,920 (78.0%)	484,265 (5.3%)	1,519,505 (16.7%)	7,798,355 (86.6%)	340,545 (3.8%)	862,270 (9.6%)
Manitoba	780,015 (73.4%)	51,775 (4.9%)	231,220 (21.8%)	915,415 (87.2%)	29,765 (2.8%)	104,130 (9.9%)
Saskatchewan	827,250 (81.9%)	23,720 (2.3%)	158,655 (15.7%)	934,890 (93.8%)	8,980 (0.9%)	52,835 (5.3%)
Alberta	1,946,725 (82.3%)	56,245 (2.4%)	362,860 (15.3%)	2,153,675 (92.0%)	24,910 (1.1%)	161,670 (6.9%)
British Columbia	2,366,805 (82.1%)	45,845 (1.6%)	470,725 (16.3%)	2,605,025 (91.4%)	17,575 (0.6%)	226,990 (8.0%)
Yukon	20,930 (89.1%)	620 (2.6%)	1,950 (8.3%)	22,665 (97.0%)	275 (1.2%)	415 (1.8%)
Northwest Territories	28,905 (55.3%)	1,420 (2.7%)	21,920 (42.0%)	34,430 (66.2%)	755 (1.5%)	16,855 (32.4%)

[1] Data adjusted by Statistics Canada to allocate those who claim more than one mother tongue or home language.
[2] Defined as first language learned and still understood.
[3] Language most often spoken in the home. 20% sample.

B.2 FIRST OFFICIAL LANGUAGE SPOKEN

Estimates I and II[1]

	ESTIMATE I[2]			ESTIMATE II[3]	
	English	French	Neither*	English	French
Canada	18,304,375 (73.1%)	6,454,870 (25.8%)	262,755 (1.1%)	18,5[illegible]635 (74.0%)	6,250,610 (25.0%)
Newfoundland	561,200 (99.5%)	2,170 (0.4%)	635 (0.1%)	561,895 (99.6%)	1,470 (0.3%)
Prince Edward Island	120,010 (95.9%)	5,050 (4.0%)	30 (0.02%)	121,465 (97.1%)	3,600 (2.9%)
Nova Scotia	830,500 (96.1%)	32,955 (3.8%)	700 (0.08%)	838,220 (97.0%)	25,220 (2.9%)
New Brunswick	466,840 (66.5%)	234,720 (33.4%)	295 (0.04%)	478,105 (68.1%)	223,450 (31.8%)
Quebec	858,325 (13.3%)	5,550,395 (86.0%)	45,770 (0.7%)	876,750 (13.6%)	5,531,980 (85.7%)
Ontario	8,[illegible]00,610 (93.3%)	469,990 (5.2%)	130,560 (1.5%)	8,498,930 (94.4%)	371,680 (4.1%)
Manitoba	990,370 (94.4%)	46,730 (4.5%)	12,215 (1.2%)	1,004,510 (95.7%)	32,600 (3.1%)
Saskatchewan	970,970 (97.4%)	20,470 (2.1%)	5,250 (0.5%)	981,050 (98.4%)	10,395 (1.0%)
Alberta	2,268,180 (96.9%)	49,205 (2.1%)	22,885 (1.0%)	2,289,350 (97.8%)	28,025 (1.2%)
British Columbia	2,770,230 (97.2%)	41,270 (1.4%)	38,090 (1.3%)	2,790,450 (97.9%)	21,050 (0.7%)
Yukon	22,750 (97.4%)	580 (2.5%)	30 (0.1%)	23,010 (98.5%)	310 (1.3%)
Northwest Territories	44,385 (85.3%)	1,355 (2.6%)	6,290 (12.1%)	44,910 (86.3%)	820 (1.6%)

[1] Estimates are calculated on the basis of a cross-tabulation of the three census language questions. Both home language and mother tongue estimates are given. For persons giving both English and French as languages spoken, mother tongue and home language are allocated equally to both groups. Both estimates use the 20% sample.

[2] Estimate I gives priority to mother tongue.

[3] Estimate II gives priority to home language.

* The number of persons who state they have no knowledge of either official language is the same for both estimates.

OFFICIAL LANGUAGES PROGRAMS

C.1

Breakdown of spending estimates and person-years allocated to internal and external official languages programs of federal agencies, 1989-90 and 1990-91.

	1989-90		1990-91	
	Revised estimates $000	Person-years	Revised estimates $000	Person-years
EXTERNAL: PROVINCES, TERRITORIES AND ORGANIZATIONS				
Secretary of State				
• Transfer payments to provinces and territories for language programs	250,607		253,939	
• Transfer payments to official language minority groups				
• Transfer payments for bilingualism development programs	43,790		45,190	
• Operating expenditures	5,350	82	5,663	81
National Capital Commission				
• Contributions to external bilingualism programs	100	0	200	0
Fitness and Amateur Sport				
• Contributions to amateur sport associations	300	0	750	0
Commissioner of Official Languages	12,269	168	12,943	169
Sub-total	**312,416**	**250**	**318,685**	**250**
INTERNAL: PUBLIC SERVICE, PARLIAMENTARY INSTITUTIONS, ARMED FORCES AND CROWN CORPORATIONS				
Treasury Board				
• Official Languages Branch	7,868	64	9,321	64
Public Service Commission				
• Language training	33,822	574	28,914	524
• Administration and other programs	3,293	76	3,353	59
Secretary of State				
• Official Languages Service	103,551	1,381	102,358	1,324
Other departments and agencies	84,552	548	97,836	538
Parliamentary institutions	1,121	13	1,305	12
Armed Forces	54,102	996	64,984	1,076
Crown corporations	25,427	n.a.	28,912	n.a.
Sub-total	313,736	3,622	334,983	3,597
TOTAL	**626,152**	**3,872**	**653,668**	**3,847**

n.a.: Figures not available

Source: Treasury Board Secretariat.

To obtain figures for actual expenditures in previous years, readers are invited to contact the Treasury Board Secretariat.

C.2

THE TWO OFFICIAL LANGUAGE COMMUNITIES IN THE PUBLIC SERVICE OF CANADA[1]

Participation in the Public Service by first official language and employment category, 1984 and 1990

CATEGORY		ANGLOPHONES NUMBER	%	FRANCOPHONES NUMBER	%	TOTAL
Management	1984	3,199	79.5	824	20.5	4,023
	1990	3,218	77.8	919	22.2	4,137
Scientific and Professional	1984	17,783	77.9	5,043	22.1	22,826
	1990	17,961	77.2	5,304	22.8	23,265
Administrative and Foreign Service	1984	39,887	70.6	16,626	29.4	56,513
	1990	42,066	69.9	18,130	30.1	60,196
Technical	1984	22,106	79.4	5,718	20.6	27,824
	1990	20,330	79.0	5,415	21.0	25,745
Total officer	**1984**	**82,975**	**74.6**	**28,211**	**25.4**	**111,186**
	1990	**83,575**	**73.7**	**29,768**	**26.3**	**113,343**
Administrative Support	1984	47,956	66.6	24,101	33.4	72,057
	1990	41,822	65.9	21,628	34.1	63,450
Operational	1984	33,685	75.4	11,014	24.6	44,699
	1990	26,969	75.3	8,823	24.7	35,792
Total support	**1984**	**81,641**	**69.9**	**35,115**	**30.1**	**116,756**
	1990	**68,791**	**69.3**	**30,451**	**30.7**	**99,242**
TOTAL	**1984**	**164,616**	**72.2**	**63,326**	**27.8**	**227,942**
	1990	**152,368**	**71.7**	**60,219**	**28.3**	**212,587**

[1] Data on participation for all federal institutions is give in Chapter II.2.

Source: Official Languages Information System, 1984 and 1990.

SECOND-LANGUAGE ENROLMENT IN PUBLIC SCHOOLS

D.1

PROVINCE[a]		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION	
				Enrolment	Schools offering immersion
Newfoundland	1977-78	156,168	67,791	95	3
	1989-90[r]	130,143	76,041	3,980	32
	1990-91[b]	126,780	76,700	4,200	35
Prince Edward Island	1977-78	27,628	16,495	541	7
	1989-90[r]	24,673	15,470	3,271	23
	1990-91[b]	24,600	15,270	3,370	24
Nova Scotia	1977-78	198,097	88,991	127	3
	1989-90[r]	166,263	100,180	4,900	58
	1990-91[b]	165,150	99,320	5,480	65
New Brunswick	1977-78	162,229*	n.a.		
Students taking English as a second language	1989-90[r]	134,731*	33,610	No English immersion programs exist.	
	1990-91	132,420[b]*	32,374		
New Brunswick	1977-78	162,229*	70,629	3,179	34
Students taking French as a second language	1989-90[r]	134,731*	76,537	16,425	109
	1990-91[b]	132,420*	76,200	17,100	105
Quebec	1977-78	1,260,983*	678,664		
Students taking English as a second language	1989-90[r]	1,037,593*	597,142	No English immersion programs exist.	
	1990-91[b]	1,031,000*	603,000		
Quebec	1977-78	1,260,983*	n.a.	17,754	n.a.
Students taking French as a second language	1989-90[r]	1,037,593*	n.a.	28,717	n.a.
	1990-91[b]	1,031,000*	n.a.	30,800	n.a.
Ontario	1977-78	1,950,308	883,269	12,764	160
	1989-90[b]	1,900,484	1,059,000	125,000	840
	1990-91[b]	1,937,800	1,067,900	135,900	845

ELEMENTARY[d] (Core)			SECONDARY[e] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%
93,440	33,585	35.9	62,453	34,111	54.6
62,413	35,430	56.8	63,516	36,631	57.7
60,000	36,000	60.0	62,340	36,500	58.5
13,284	7,351	55.3	13,171	8,603	65.3
10,304	5,621	54.6	10,556	6,578	62.3
10,250	5,500	53.7	10,440	6,400	61.3
100,529	30,025	29.9	91,545	58,839	64.3
82,769	45,409	54.9	75,759	49,871	65.8
82,800	45,000	54.3	74,290	48,840	65.7
27,870 [b]	n.a.	n.a.	25,231 [b]	n.a.	n.a.
22,686	14,254	62.8	22,257	19,356	87.0
22,350 [b]	13,621	60.9 [b]	22,350 [b]	18,753	83.9 [b]
49,019	29,563	60.3	56,930	37,887	66.6
35,695	34,361	96.3	37,668	25,751	68.4
34,800	33,800	97.1	35,820	25,300	70.6
580,351	214,730	37.0	473,402	463,934	98.0
594,545	256,937	43.2	340,205	340,205	100.0
589,000	261,000	44.3	342,000	342,000	100.0
See Table D.2 (Minority Language Education)			See Table D.2 (Minority Language Education)		
1,221,579	650,136	53.2	612,574	220,369	36.0
1,067,500	718,000	67.3	612,184	216,000	35.3
1,085,000	730,000	67.3	620,200	202,000	32.6

Continued

PROVINCE[a]		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION Enrolment	FRENCH IMMERSION Schools offering immersion
Manitoba	1977-78	221,408	85,619	1,667	13
	1989-90[r]	197,537	110,005	19,024	91
	1990-91[b]	196,500	112,400	20,900	95
Saskatchewan	1977-78	216,248	53,804	407	2
	1989-90[r]	201,866	118,348	10,440	72
	1990-91[b]	198,700	131,500	11,500	62
Alberta	1977-78	439,804	n.a.	n.a.	n.a.
	1989-90[r]	471,076	178,523	26,182	154
	1990-91[b]	477,300	184,700	28,200	155
British Columbia	1977-78	527,769	161,110	1,301	15
	1989-90[r]	513,533	222,400	26,900	187
	1990-91[b]	527,900	231,800	29,800	200
Yukon	1977-78	5,394	n.a.	n.a.	n.a.
	1989-90[r]	5,150	3,240	360	2
	1990-91[b]	5,240	3,540	380	2
Northwest Territories	1977-78	12,717	n.a.	n.a.	n.a.
	1989-90[r]	13,732	4,080	380	4
	1990-91[b]	13,910	4,090	420	4
TOTAL	1977-78	5,178,753	2,106,372 (1)	37,835	237
	1989-90[r]	4,796,781	2,595,627 (2)	265,579	1,572
	1990-91[b]	4,837,300	2,640,030 (2)	288,050	1,592

[r] Figures represent all public school students.

(1) Column adds to 2,106,372 for 1977-78, while row adds to 2,240,949 for that year, owing to unavailability of immersion data for Alberta and the Northwest Territories and partial data for second language programs in Quebec.

(2) Column total excludes French immersion in Quebec, while row total includes French immersion in Quebec.

[a] Where no notation appears, French is the second language taught.

[b] Statistics Canada estimate.

[c] See Table D.2 for minority language education enrolment.

[d] Includes grades k to 6, except Ontario (k-8); British Columbia and Yukon (k-7).

ELEMENTARY[d] (Core)			SECONDARY[e] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[c] Enrolment	%
110,831	42,576	38.4	100,707	41,376	41.1
88,531	50,229	56.7	84,678	40,752	48.1
87,200	51,000	58.5	83,160	40,500	48.7
110,382	4,928	4.5	104,075	48,469	46.6
105,007	61,176	58.3	85,346	46,732	54.8
104,000	72,000	69.2	82,220	48,000	58.4
216,656	52,435	24.2	215,899	58,903	27.3
242,760	72,008	29.7	199,805	80,333	40.2
248,000	75,500	30.4	198,560	81,000	40.8
305,574	75,740	24.8	220,894	84,069	38.1
292,125	105,000	35.9	192,418	90,500	47.0
299,200	112,200	37.5	196,680	89,800	45.7
3,545	1,346	38.0	1,849	939	50.8
3,070	2,000	65.1	1,680	880	52.4
3,170	2,300	72.6	1,650	860	52.1
8,801	2,100	23.9	3,916	1,100	28.1
9,270	2,450	26.4	4,052	1,250	30.8
9,370	2,570	27.4	4,090	1,100	26.9
2,813,991	1,144,515	40.7	1,957,415	1,058,599	54.1
2,593,989	1,388,621	53.5	1,707,867	935,483	54.8
2,635,720	1,426,870	54.1	1,711,450	922,300	53.9

e Includes grades 7-12, except Ontario (9-13); Quebec (7-11); British Columbia and Yukon (8-12).
r Figures revised since publication of the 1989 Annual Report.
n.a. No figures available.

Source: Statistics Canada, Elementary and Secondary Education.

D.2

MINORITY LANGUAGE EDUCATION PROGRAMS

Enrolment in programs designed to provide education in their mother tongue (English in Quebec and French elsewhere) to members of the official language minority groups, grades in which offered and number of schools where offered, for each province and territory, 1970-71, 1989-90 and 1990-91

		Enrolment	Grades	Number of schools
Newfoundland	1970-71	185	k to 10	1
	1989-90r	234	k to 12	4
	1990-91*	240	k to 12	4
Prince Edward Island	1970-71	796	1 to 12	7
	1989-90r	542	1 to 12	2
	1990-91*	540	1 to 12	2
Nova Scotia	1970-71	7,388	p to 12	32
	1989-90r	2,800	p to 12	18
	1990-91*	2,580	p to 12	17
New Brunswick	1970-71	60,679	k to 12	196
	1989-90r	44,943	k to 12	150
	1990-91*	44,700	k to 12	148
Quebec	1970-71	248,855	k to 11	519
	1989-90r	102,843	k to 11	360
	1990-91*	100,000	k to 11	355
Ontario	1970-71	115,869	k to 13	381
	1989-90r	95,800	k to 13	395
	1990-91*	96,700	k to 13	400
Manitoba	1970-71	10,405	k to 12	49
	1989-90r	5,304	k to 12	30
	1990-91*	5,240	k to 12	30
Saskatchewan	1970-71	765	k to 12	12
	1989-90r	1,073	k to 10	10
	1990-91*	980	k to 10	10

Continued

		Enrolment	Grades	Number of schools
Alberta	1970-71	n.a.	n.a.	n.a.
	1989-90r	2,329	k to 12	19
	1990-91e	2,540	k to 12	19
British Columbia	1970-71	-	-	-
	1989-90r	2,090	k to 12	42
	1990-91e	2,220	k to 12	42
Yukon	1970-71	-	-	-
	1989-90r	40	k to 8	1
	1990-91e	40	k to 8	1
Northwest Territories	1970-71	-	-	-
	1989-90r	30	k to 6	1
	1990-91e	30	k to 6	1
TOTAL	1970-71	444,942		1,197(1)
	1989-90r	258,028		1,032
	1990-91e	255,810		1,029

e Statistics Canada estimate.

r Figures revised since publication of the Annual Report 1989.

n.a. No figures available.

- nil

(1) Excludes Alberta, for which no figures are available.

Source: Statistics Canada, Elementary and Secondary Education.

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Note

1) Search by specific topic (Minority language education) or under provinces and territories (Ontario, minority language education).
2) Bold page numbers refer to the main treatment of the subject.
3) "Bilingual services" describes those services offered by the federal government. Provincial and municipal bilingual services are described as such under provinces and territories.

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COMMISSAIRE AUX LANGUES OFFICIELLES

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Monsieur le Président
du Sénat
Ottawa

Monsieur le Président,

Conformément à l'article 66 de la *Loi sur les langues officielles*, je soumets au Parlement, par votre intermédiaire, le vingtième Rapport annuel du Commissaire aux langues officielles qui se rapporte à l'année civile 1990.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma très haute considération.

Le Commissaire aux langues officielles,

D'Iberville Fortier

Avril 1991

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de la Chambre des communes
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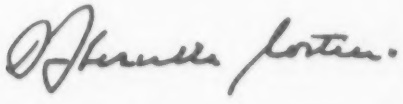

D'Iberville Fortier

Avril 1991

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Avant-propos : un rapport pas comme les autres

« L'histoire est faite de malentendus »
Charles Baudelaire

Le présent rapport annuel, le septième que j'ai l'honneur de soumettre au Parlement, conserve la structure devenue classique. Il s'agit d'une fresque en cinq parties, dépeignant une même réalité sous ses divers aspects. Le lecteur décidera si elle est, comme nous l'avons voulu, l'une des plus fouillées que nous ayons produites au cours des dernières années. Mais de plus, à l'instar de l'année 1990, ce rapport n'est pas tout à fait comme les autres.

UNE RÉTROSPECTIVE ET SES CONCLUSIONS

Le rapport débute par une rétrospective que nous avons choisi d'appeler la révolution tranquille des langues officielles. Celle-ci trace l'évolution juridique, administrative et sociopolitique de notre régime linguistique, plus particulièrement, depuis l'adoption de la *Charte canadienne des droits et libertés*, — qui fut porteuse de nouveaux droits linguistiques mais fut aussi marquée par la dissidence ou l'exclusion du Québec — jusqu'aux lendemains de l'échec de l'Accord du lac Meech. Comment situer cette révolution par rapport au défi au partenariat canadien qui doit de nouveau être relevé ?

Cette rétrospective nous a semblé opportune pour plusieurs raisons. La réforme du régime linguistique a commencé avec la Commission royale d'enquête sur le bilinguisme et le biculturalisme pendant les années 1960. C'est elle qui a ouvert la voie aux deux lois successives sur les langues officielles et aux clauses linguistiques de la *Charte*. Les années 1984 à 1991 ont coïncidé avec l'avènement et la réélection d'un gouvernement conservateur qui a suivi le long règne, presque ininterrompu, des Libéraux. La nouvelle majorité s'était donné pour buts, entre autres, de mieux promouvoir nos langues officielles, de mieux appuyer nos minorités et de réintégrer le Québec dans la famille constitutionnelle. Ces années auront aussi coïncidé avec le mandat du troisième Commissaire aux langues officielles. Mais nous avons surtout cherché à répondre par cette étude à un autre impératif. En cet hiver 1991, le pays s'interroge passionnément sur son avenir. Il ne peut ni ne doit, ce faisant, oublier de tirer les conclusions d'une de ses expériences les plus importantes et, à notre avis, les plus fructueuses de son passé récent.

Les leçons du passé

Deux leçons ressortent d'emblée. D'abord le régime linguistique, pour important qu'il soit, ne résout pas la question de l'équilibre constitutionnel. Ensuite, le progrès dans le domaine des langues officielles repose sur la détermination des hautes sphères de l'État d'agir sans relâche, ainsi que sur la compréhension et le soutien de ses objectifs par les administrations et la population. Il s'agit en effet à la fois d'une affaire d'État et d'une affaire de cœur.

Nous avons posé dans le dernier chapitre de la première Partie les cinq questions suivantes destinées à déterminer dans quelle mesure nous nous sommes rapprochés des objectifs fondamentaux que nous nous étions fixés, grâce à la législation, aux arrêts des tribunaux et aux politiques mises en œuvre. Nous croyons y avoir répondu objectivement, non seulement à partir de nos propres travaux, mais aussi du vécu canadien observé au fil des ans. En voici le résumé :

- *La reconnaissance de l'égalité du français et de l'anglais au sein des institutions fédérales, notamment au Québec et dans la capitale nationale, a-t-elle été atteinte ?* L'entreprise était herculéenne. Les Canadiens ont su la mener à bonne fin au-delà de ce que ses auteurs avaient pu espérer : une autre sorte de révolution tranquille à l'échelle du pays. Nous pouvons tous être fiers de cette réussite ! Dans ces deux régions, les services sont constamment disponibles. Au Québec, le français a pris sa place légitime comme langue de travail et les taux de participation le favorisent nettement. Cela ne veut pas dire que nous pouvons relâcher nos efforts, car il reste beaucoup à faire et tous ceux qui veulent démontrer leur confiance dans l'avenir doivent poursuivre vigoureusement la réforme.

- *Avons-nous réussi, avec le concours des provinces et des territoires, à protéger nos minorités de langue officielle et à favoriser leur épanouissement partout au pays ?* Pas entièrement, mais on note en 1990 un nouveau vent d'espoir dans le domaine de l'éducation, et le dynamisme des communautés n'a jamais été plus évident. Les trois provinces qui ont de grandes communautés de langue minoritaire disposent maintenant, à des degrés divers, d'institutions et de services généralement valables dans les deux langues, et les tendances démolinguistiques récentes y sont plutôt encourageantes. Il faut par ailleurs conserver à l'esprit que la liberté individuelle de choix, la concentration ou la dispersion des groupes et la mobilité des personnes, sont des facteurs primordiaux sur lesquels les pouvoirs publics n'exercent dans notre société qu'une influence relative.

- *La reconnaissance de l'existence au Québec d'une « société distincte » et, après l'adoption, sans le Québec, de la* Charte canadienne des droits et libertés, *la volonté du gouvernement fédéral et de la plupart des provinces de le réintégrer dans le giron constitutionnel ont-elles progressé ?* Tout comme la question, la réponse est complexe. Elle nous semble avoir été

positive jusqu'à l'échec de l'Accord du lac Meech en 1990, qui résulta principalement, comme nous l'avons démontré publiquement avant la date fatidique, d'une formule d'amendement manifestement défectueuse qui doit être corrigée et le sera. Le climat s'est détérioré depuis, mais pourquoi ne redeviendrait-il pas plus clément ? Pourquoi ne pourrions-nous pas relever une fois pour toutes le défi du partenariat canadien ?

- *Y a-t-il eu l'harmonisation recherchée des rapports entre francophones et anglophones ?* L'harmonisation n'est pas un phénomène linéaire, mais malgré certains accrocs régionaux notoires, les communications se sont nettement améliorées, les opinions publiques sur l'égalité des langues, surtout chez les jeunes, ont gagné en convergence, et les deux communautés ont marqué un intérêt accru à la langue de l'autre.

- *Tout ceci est-il pertinent à la recherche d'une solution à la crise constitutionnelle actuelle ?* Oui, parce que les acquis de la révolution de notre régime linguistique au cours des vingt dernières années constituent, sinon une solution complète, tout au moins une réussite nationale majeure qui doit être préservée et améliorée. Ils constituent une démonstration de ce que nous pouvons maintenant accomplir pour relever d'autres défis.

Nos propositions constitutionnelles

Le premier chapitre de la première partie commence par un examen de la place que devraient occuper le statut des langues officielles et le traitement de nos minorités dans la réforme constitutionnelle qui s'amorce. Ils doivent, à notre avis, être préservés et améliorés quoi qu'il arrive, car ils reflètent des réalités historiques et humaines, précieuses et inaliénables.

Un début de réglementation

Un second chapitre présente une analyse du premier avant-projet de règlement destiné à la mise en œuvre de la *Loi sur les langues officielles* de 1988. Il ne fut déposé au Parlement qu'au mois de novembre et revêt une importance exceptionnelle. Ce début de réglementation doit être vigoureusement poursuivi.

UN DÉGEL PARTIEL EN 1990

Depuis 1984, nos rapports annuels portent en page couverture un titre bien visible. Que racontent-ils ? De 1984 à 1988, ces titres réclamaient un renouveau législatif et administratif du régime linguistique jugé indispensable à l'idéal d'égalité des deux langues proclamé dans la *Charte canadienne des droits et libertés* qui confirme que le français et l'anglais sont les deux langues officielles du Canada. Une nouvelle et fort bonne Loi fut adoptée à l'été 1988. Nos deux

rapports suivants s'intitulèrent donc « De la Loi au renouveau » puis « De la Loi au renouveau ? » En somme, nous demandions toujours la relance, mais nous étions munis cette fois d'un nouvel outil bien façonné. Peut-on dire qu'il ait été également bien utilisé ? Pas vraiment, mais nous avons néanmoins assisté en 1990 à un « dégel partiel », le titre le plus optimiste en sept ans. C'est beaucoup moins que nous espérions, mais beaucoup plus que pas de dégel du tout.

On peut se demander s'il existe toujours dans les hautes sphères du gouvernement une stratégie concertée qui conférerait une priorité suffisante à l'étoile des langues officielles dans la constellation des objectifs de l'État. On demande à des ministres individuels et à des hauts fonctionnaires, souvent surchargés, de se fier à leur propre inspiration. Il s'agit pourtant d'assurer la mise en œuvre d'une Loi encore récemment considérée par le gouvernement comme un des joyaux de sa couronne.

Mais quels sont les principaux éléments de ce dégel ? C'est ce que l'on trouvera dans les pages qui suivent. Nous pouvons au moins en soulever le voile ici. En premier lieu, nous décernons pour la deuxième année de suite au Secrétariat d'État la mention « fort honorable dans la plupart des domaines de sa compétence ». Deuxièmement, un vent nouveau et prometteur a soufflé cette année sur la mise en œuvre des droits à l'instruction dans la langue de la minorité. Troisièmement, nos évaluations révèlent que le nombre des institutions fédérales qui ont tenu compte, « de façon tangible ou marquée » des exigences de la nouvelle Loi reste une minorité, mais qu'il a tout de même doublé de 1989 à 1990. Cette tendance se reflète aussi dans notre bilan de la mise en œuvre encore fragmentaire du plan directeur présenté dans le *Rapport annuel 1988*. En quatrième lieu, le nouveau président du Conseil du Trésor, M. Gilles Loiselle, a enfin déposé au Parlement, en novembre, l'avant-projet du premier et plus important règlement proposé sous l'empire de la *Loi sur les langues officielles*. Aucun signe n'indique malheureusement que les autres domaines pour lesquels la Loi a prévu une réglementation reçoivent l'attention nécessaire.

D'aucuns concluront de cette énumération que même l'absence de règlements ou l'insuffisance de directives n'a pas complètement entravé le progrès, surtout dans le domaine hautement prioritaire du service au public dans la langue de son choix. Cela est vrai, mais il se cache un sophisme dans cette vérité. Une franche moitié des institutions fédérales sont restées plus ou moins insensibles aux dispositions de la nouvelle Loi. En serait-il ainsi si l'on avait procédé avec plus de diligence à son interprétation pour les employés de l'État ? Il faut se réjouir qu'un bon nombre d'administrateurs généraux et de fonctionnaires aient néanmoins refusé d'attendre les instructions venues d'en haut ou de se laisser intimider par le climat politique maussade et parfois hostile qui régnait au pays.

Certaines résistances se sont en effet manifestées au cours de l'année en matière de langues officielles; des groupes et des partis politiques qui s'en font les porte-parole ont vu croître le nombre de leurs partisans en certaines régions. L'examen

attentif des sondages d'opinion publique n'en continue pas moins de confirmer, en cette turbulente année 1990, que la majorité des Canadiens acceptent la dualité linguistique comme caractéristique fondamentale de notre pays. Un autre indice particulièrement significatif à cet égard est celui de l'accroissement substantiel, à l'automne 1990, des inscriptions dans les classes d'immersion linguistique ou dans les classes de langue seconde. Ne s'agit-il pas là de la part d'un grand nombre de parents d'une marque de confiance dans l'avenir de ce pays et de ses deux communautés linguistiques ?

Nous avons été amenés cette année à nous battre sur plusieurs barricades. Cette lutte pour l'égalité linguistique et la justice porte sa récompense en soi; mais nous avons aussi été réconfortés de nous y retrouver si souvent en si bonne compagnie.

Des femmes et des hommes

Mon mandat tirant à sa fin, je veux dire combien j'ai été sensible à l'aspect humain de notre travail. Bien sûr, les lois et les systèmes doivent assurer le bon fonctionnement de notre société démocratique. Mais ce ne sont que des moyens. La « société » elle-même n'est-elle pas du reste autre chose qu'une abstraction ? C'est surtout aux femmes et aux hommes qui la composent que je dédie ces lignes. À titre de protecteur des droits du citoyen, je pense d'abord aux plaignants que nous essayons d'aider. Ils viennent à nous parce qu'ils veulent qu'on respecte leurs droits, parce qu'ils sont profondément attachés à leur langue qui est le reflet de leur âme.

Je pense aux rencontres à travers le pays, par exemple à la petite fille de sept ou huit ans, élève d'une école de l'Ouest qui après l'allocution d'usage, s'émerveillait de la beauté de sa langue et voulait savoir « qui avait inventé la langue française », et à la veuve d'un membre de la GRC qui s'inquiétait des difficultés qu'elle pourrait avoir à se trouver un emploi au Nouveau-Brunswick, étant unilingue anglophone. Je pense à de braves Albertains réunis dans une salle pour l'enregistrement d'une émission radio, qui se lèvent d'un seul bloc lorsqu'on a demandé s'il y avait des « dinosaures » dans l'auditoire. (Et nous abordons alors les questions que l'on imagine et mes réponses.) Mais je pense davantage à l'enthousiasme communicatif des membres de la Commission nationale des parents francophones, de l'association Canadian Parents for French et de tous les organismes minoritaires avec lesquels nous sommes en contact constant. Je pense aux innombrables bénévoles qui consacrent leur temps à défendre les intérêts linguistiques de leur communauté et leur vision du Canada.

Je pense aussi aux nombreux fonctionnaires fédéraux qui veulent servir leurs clients dans leur langue, sachant que cela est digne d'un bon service, et à ceux qui ont appris le français sur le tard, ou plus rarement l'anglais, et qui doivent consacrer beaucoup de temps et d'énergie pour conserver leurs acquis

linguistiques. Nombreux sont ceux qui font plus que leur part. Nous critiquons beaucoup dans notre métier, mais nous tenons également à faire connaître notre admiration et notre gratitude à ces femmes et à ces hommes de tous horizons.

Je pense enfin à la qualité intellectuelle et morale de mes collègues du Commissariat, à l'administration centrale et aux bureaux régionaux, qui constituent un corps d'élite entièrement voué à sa mission.

Je veux remercier enfin le gouvernement et le Parlement canadiens de m'avoir fait l'honneur de me confier un mandat dont l'exécution fut toujours exigeante, parfois difficile, mais que je n'aurais pu en toute conscience décliner. Mon souhait le plus cher est d'avoir contribué, un tant soit peu, à dissiper les malentendus dont parlait Baudelaire et à servir mes compatriotes en défendant une cause qui m'a toujours été chère.

D'I. F.

Rétrospective : d'une crise à l'autre

La révolution tranquille des langues officielles et le défi au partenariat

Il nous a semblé utile de présenter au lecteur un tour d'horizon de l'évolution de la reconnaissance de la dualité linguistique canadienne au cours des dernières années. La période retenue tire sa logique du fait qu'elle s'échelonne de 1981 à 1990, soit entre l'adoption de la *Charte canadienne des droits et libertés*, qui constitue un des fondements importants du Canada contemporain, y compris bien sûr ses assises renforcées en matière de droits linguistiques, et la nouvelle crise que nous vivons depuis l'échec du projet d'Accord du lac Meech en juin 1990. Il se trouve de plus qu'une grande partie de cette période s'est déroulée sous un nouveau gouvernement, élu en 1984, puis réélu en 1988, et qu'elle coïncide grosso modo avec le septennat du troisième Commissaire aux langues officielles, dont le mandat tire à sa fin.

Ce tour d'horizon est nécessairement fort incomplet puisqu'il se contente de couvrir les points saillants d'un grand nombre de questions. Il essaie pourtant de situer ce que nous pourrions appeler la révolution tranquille des langues officielles au Canada dans le cadre d'une première réforme constitutionnelle, à laquelle le Québec ne donna jamais son accord, d'une deuxième qui fut avortée et d'une troisième qui est à peine amorcée. C'est ce défi au partenariat canadien qu'il nous reste à relever.

Après une introduction qui remonte par la force des choses à la Commission royale d'enquête sur le bilinguisme et le biculturalisme, nous examinerons l'évolution du nouveau cadre juridique national apportée par la *Charte canadienne des droits et libertés* et les réalisations subséquentes dans la sphère fédérale; nous suivrons ensuite l'évolution de la condition de nos minorités, marquée par l'évolution de leurs droits dans les provinces — influencée tantôt par les arrêts de nos cours de justice, tantôt par les décisions des assemblées législatives provinciales, sans omettre l'évocation de leur situation démographique, de leur vie communautaire et de leur extraordinaire détermination non seulement à survivre, mais à s'épanouir. Nous étudierons certaines attitudes de la population canadienne, particulièrement en ce qui a trait à l'éducation. Cela nous amènera à constater le chemin parcouru dans la mise en œuvre des droits linguistiques

consacrés dans la *Charte* et à formuler certaines conclusions. Nous pensons pouvoir tirer de cette analyse des raisons d'espoir pour le pays, sans doute grâce à une structure renouvelée, puisées aux leçons du passé.

I. DUALITÉ LINGUISTIQUE ET SOCIÉTÉ DISTINCTE

La Commission B.B., créée en 1963 par le premier ministre Lester B. Pearson, avait pour mandat d'examiner et d'évaluer la politique linguistique du Canada. Son principal souci était de favoriser une plus grande concertation fédérale-provinciale devant ce qu'elle nommait la « crise » dans les relations entre francophones et anglophones. La Commission B.B. a proposé au gouvernement fédéral et aux provinces d'établir une nouvelle charte des langues officielles pour le Canada, fondée sur le « principe d'égalité ».

En 1969, en réponse aux recommandations de la Commission, le Parlement, avec l'appui de toutes les parties intéressées, adoptait la *Loi sur les langues officielles*. En 1973, il votait une résolution concernant l'usage du français et de l'anglais comme langues de travail ainsi que la pleine participation des deux communautés de langue officielle au sein des institutions fédérales. L'adoption de cette résolution fut suivie, en 1974, par la publication d'un règlement sur l'emballage et l'étiquetage bilingue.

Le Nouveau-Brunswick a adopté, en 1969 également, des dispositions linguistiques semblables à celles contenues dans la loi fédérale sur les langues officielles. En 1981, la province adoptait aussi une loi prévoyant le traitement équitable des deux communautés de langue officielle par le gouvernement. Rappelons qu'avant l'entrée en vigueur de la *Loi sur les langues officielles*, les seules garanties linguistiques au Canada étaient fournies par les maigres dispositions institutionnelles de l'article 133 de la *Loi constitutionnelle de 1867* et de l'article 23 de la *Loi de 1870 sur le Manitoba*, ainsi que par les dispositions analogues dont on pouvait juger qu'elles s'appliquaient toujours à l'intérieur des frontières originales des Territoires du Nord-Ouest.

Le mouvement amorcé par la Commission B.B. en faveur d'une plus grande reconnaissance du Québec, de la langue française et des communautés francophones du Canada a coïncidé avec une profonde évolution de la conscience collective des Québécois. Seule province dont la majorité des résidents sont d'expression française, le Québec a toujours senti le besoin de se définir par rapport à la majorité anglophone — beaucoup plus vaste — du Canada et de l'Amérique du Nord. Hantés depuis des générations par un sentiment d'insécurité linguistique, les Québécois francophones avaient tenté de s'attaquer aux sources de leur anxiété, mus en particulier par un déclin marqué, au cours des dernières années, de leur taux de natalité. Le taux élevé d'assimilation des francophones, surtout dans les petites collectivités à l'extérieur du Québec, représentait également un sujet de préoccupation. Une perception nouvelle de leur société et de leur culture, le désir de préserver le français et d'en assurer le rayonnement

devant le pouvoir d'attraction grandissant de l'anglais, de même que la volonté d'exercer un plus grand contrôle sur leurs institutions économiques, sociales et politiques, sont autant de facteurs qui ont incité les Québécois à entreprendre des réformes en profondeur.

Avec l'adoption de la *Loi sur la langue officielle* en 1974, le français est devenu la langue officielle du Québec. La *Charte de la langue française* (loi 101) de 1977, allait plus loin : elle confirmait le statut du français et renforçait sa position en tant que principale langue du travail, du commerce et de la vie communautaire. Le droit de choisir l'anglais comme langue d'instruction de leurs enfants n'était reconnu qu'aux parents ayant reçu leur instruction en anglais au Québec (la clause Québec), et, en certaines circonstances, l'usage public de langues autres que le français faisait l'objet de restrictions. Plusieurs des dispositions de cette loi ont été vivement contestées devant les tribunaux pour finalement être jugées anticonstitutionnelles. Ainsi, la clause Québec a été annulée en faveur d'une « clause Canada ». Plus que tout autre événement, l'adoption de la *Charte de la langue française*, suivie de l'exode, pour diverses raisons sociales et économiques, d'une proportion considérable de la population d'expression anglaise, a confirmé le processus de « minorisation » psychologique de la communauté anglophone.

L'une après l'autre, au cours de la même période, des commissions fédérales d'enquête ont formulé des recommandations sur les façons de reconnaître les caractéristiques particulières qui distinguent le Québec des autres provinces. Sans en réclamer la paternité, la Commission B.B. adopta le terme « société distincte » pour décrire la réalité québécoise. Elle avait d'abord utilisé ce concept dans son Rapport préliminaire de 1965 pour expliquer comment la société québécoise se distinguait des autres communautés au pays et pour exposer aux Canadiens comment se percevaient la majorité des Québécois. Cette notion fut reprise dans le Volume I du Rapport de la Commission en 1967 (p. xxiii) :

> « Les deux cultures dominantes, nous l'avons déjà noté, s'incarnent au Canada dans des sociétés distinctes. Le mot "société", disions-nous, désigne ici 'les formes d'organisation et les institutions qu'une population assez nombreuse, *animée par la même culture*, s'est données et a reçues, dont elle dispose librement sur un territoire assez vaste et où elle vit de façon homogène, selon des normes et des règles de conduite qui lui sont communes'. Et nous avons reconnu dans le Québec les principaux éléments d'une société francophone distincte.»

En fin de compte, la Commission recommandait l'extension (en tout ou en partie) du régime de reconnaissance des droits linguistiques, prévalant alors au Québec, à d'autres provinces (au Nouveau-Brunswick et à l'Ontario, notamment), ainsi que du caractère multiculturel de la société canadienne.

En 1979, la Commission de l'unité canadienne (Commission Pepin-Robarts) constate dans son rapport que le tissu social canadien est marqué par un phénomène de polarisation. Sans recourir spécifiquement au concept de « société distincte » dans sa présentation de la situation québécoise, cette Commission propose le retrait des obligations constitutionnelles imposées à la province de Québec par l'article 133. La Commission précise que « nul obstacle constitutionnel, qui ne s'appliquerait pas aux autres provinces, ne devrait pouvoir entraver la marche du Québec vers sa francisation [...] » (p. 56).

En 1981, le Parlement adopte la *Charte canadienne des droits et libertés*, qui est proclamée en avril 1982. L'événement apparaît dès lors comme un point tournant de l'histoire du Canada, car il définit d'un seul souffle l'ensemble des droits et libertés — y compris les droits linguistiques auxquels la *Loi constitutionnelle de 1867* n'avait accordé que peu d'attention. Mais au-delà de cet exploit juridique, l'événement souligne la bipolarité du problème canadien par l'absence de la signature québécoise, le Québec ayant été omis selon les uns ou s'étant abstenu selon les autres. Bien que la *Charte* contienne le germe d'un nouveau partenariat linguistique élargi, son approche symétrique élude la question québécoise. Ainsi, elle donne pour les uns une nouvelle assise complète sur laquelle reconstruire le pays, alors que pour les autres, elle escamote une importante partie de la réalité canadienne.

Le rapport de la Commission royale sur l'union économique et les perspectives de développement du Canada (Commission Macdonald), publié en septembre 1985, consacre dans son Volume III une vingtaine de pages au système constitutionnel canadien et aux problèmes communautaires non résolus, dont celui de la place du Québec dans la Confédération. L'optique que la Commission privilégie est celle du Québec en tant que « société distincte » :

> « Or, reconnaître la spécificité du Québec et le caractère dualiste du Canada, c'est justement affirmer que des réponses peuvent être trouvées dans le contexte canadien, avec l'appui du reste du Canada. Ces réponses, ce sont d'abord et avant tout les Québécois et les francophones hors Québec eux-mêmes qui devront les trouver, individuellement et collectivement, au plan économique comme au plan culturel. Mais cet aménagement se fera alors dans un contexte précis, celui de la reconnaissance et de la valorisation d'une complémentarité culturelle qui, en définitive, est au cœur même de la réalité canadienne.
>
> Une chance inespérée se présente donc de sceller une nouvelle entente entre le Québec et le reste du Canada. Ce qui est exigé, au niveau des principes d'abord, c'est une déclaration, dans le préambule de la Constitution, qui pourrait se lire de la façon suivante :
>
> > *Reconnaissant le caractère distinct de la société québécoise, foyer principal mais non exclusif des francophones au Canada, et acceptant comme une donnée essentielle de la fédération canadienne son caractère dualiste, [...].*

> Lors des négociations constitutionnelles de 1980, des discussions serrées sur cette question avaient presque abouti à un consensus. Nous croyons qu'en 1985, sur la base d'un texte comme celui qui est proposé ici, un tel consensus devrait pouvoir se réaliser assez rapidement » (p. 383).

La double reconnaissance de la dualité linguistique et de la « société distincte » sont précisément les enjeux principaux de l'Accord du lac Meech en juin 1987. On pouvait croire à ce moment qu'enfin unanimes, le gouvernement fédéral et les provinces avaient trouvé la clé de l'unité nationale. Conscient que cet accord reconnaissait de façon explicite notre dualité linguistique et assurait la reconnaissance du fait que le Québec constitue « une société distincte », le Commissaire l'avait appuyé, avec certaines réserves susceptibles d'être prises en considération par la suite. Celles-ci portaient essentiellement sur la faiblesse du rôle attribué au Parlement et aux assemblées législatives provinciales relativement à la promotion de la dualité linguistique.

Aujourd'hui, nous sommes à nouveau plongés dans une crise dont nous ne pouvons encore mesurer pleinement les conséquences. Mais chose certaine, ce que l'histoire récente nous enseigne, c'est que nous ne saurions maintenir la cohésion du Canada sans la pleine reconnaissance de toutes les dimensions de sa dualité linguistique et du caractère inéluctablement distinct de la société québécoise.

II. LE CADRE JURIDIQUE DU RÉGIME LINGUISTIQUE

La Charte canadienne des droits et libertés *et les langues officielles*

Le constituant de 1982 a consacré une partie importante de la *Charte canadienne des droits et libertés* aux droits linguistiques, au point de les considérer dans le contexte canadien comme des droits fondamentaux. En outre, ils échappent à la clause dérogatoire de la *Charte* au même titre que les droits démocratiques ou la liberté de circulation et d'établissement. Si le gouvernement du Québec a pu faire appel à la clause dérogatoire pour promulguer la loi 178, c'est parce que la cause relevait de la liberté d'expression et non d'un droit linguistique. Enfin, ces droits s'étendent à l'instruction dans la langue de la minorité à même les fonds publics. Même si l'exercice de ces droits est soumis à certaines conditions (langue maternelle ou langue d'éducation des parents, langue d'éducation des frères et sœurs, nombre minimum d'élèves), cet article 23 n'en constitue pas moins une étape fondamentale pour la protection et le développement des minorités. Il est intéressant de noter qu'un autre article de la *Loi constitutionnelle de 1982*, adopté sans difficulté et dont fut issue la clause dite « clause Canada », reconnaissait un statut particulier au Québec dans ce domaine.

La *Charte* ne se limite pas à reconnaître pour la première fois le français et l'anglais comme les langues officielles du Canada avec tout ce que cela peut comporter; elle précise qu'ils ont « un statut et des droits et privilèges égaux quant à leur usage dans les institutions du Parlement et du gouvernement du Canada », reprenant ainsi la clause fondamentale de la *Loi sur les langues officielles* de 1969. La *Charte* confirme, en les précisant, les dispositions de la

dimension fédérale de l'article 133 de la *Loi constitutionnelle de 1867* : bilinguisme parlementaire, législatif et judiciaire. Et elle poursuit le processus de constitutionnalisation des langues officielles, en consacrant aussi le droit du public à l'emploi du français et de l'anglais pour communiquer avec tout organisme du Parlement ou du gouvernement du Canada et pour en recevoir les services, lorsque l'emploi de l'une des deux langues fait l'objet d'une demande importante ou qu'il se justifie par la vocation du bureau. La *Charte* enchâsse un régime similaire de bilinguisme à trois volets pour le Nouveau-Brunswick, avec quelques variantes plus exigeantes au chapitre de la langue de service puisqu'il n'est pas question de « demande importante ». Enfin, elle précise qu'elle ne limite pas le pouvoir du Parlement fédéral et des assemblées législatives provinciales « de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais ».

Ainsi, tout en s'inscrivant, pour ce qui est du contexte fédéral, dans une continuité historique, le nouveau régime linguistique instauré par la *Charte* n'en innove pas moins en consacrant le caractère évolutif des garanties linguistiques au Canada. Il faudra donc compter sur les législateurs des deux ordres de gouvernement et éventuellement des municipalités pour qu'ils donnent effet à ces garanties constitutionnelles en les faisant progresser vers l'objectif d'égalité.

Ce rôle a d'ailleurs été confirmé par la Cour suprême du Canada qui a même précisé que dans certains cas, comme celui des droits à l'instruction dans la langue de la minorité, il faudrait légiférer pour en arriver à concrétiser cette reconnaissance du statut des deux langues. Le pouvoir judiciaire et le pouvoir législatif ont ainsi tous deux leur rôle à jouer dans l'établissement du régime des droits linguistiques au Canada.

Conciliation des exigences de la Charte *et de la* Loi sur les langues officielles *de 1969*

Pour tenir compte de la constitutionnalisation des droits linguistiques, le Conseil du Trésor a effectué en 1981-1982 une simple mise à jour partielle des directives qui avaient été adoptées en fonction de la *Loi sur les langues officielles* de 1969. À compter de cette date, et jusqu'en 1988, la réforme du régime linguistique a plutôt marqué le pas, bien que le Comité mixte permanent des langues officielles eût demandé, dès le mois de juin 1982, la révision de la *Loi sur les langues officielles* de 1969 pour tenir compte précisément de l'évolution constitutionnelle accomplie en 1982. Le gouvernement de l'époque fit la sourde oreille.

Le Comité mixte permanent des langues officielles n'a cessé de jouer un rôle moteur important dans la progression vers l'égalité. Les témoignages des responsables de bon nombre d'organismes fédéraux et d'associations minoritaires, et surtout les recommandations formulées dans ses nombreux rapports, ont eu une influence souvent déterminante sur la qualité et l'orientation de l'action gouvernementale.

À son entrée en fonction en 1984, le nouveau Commissaire avait saisi toute l'importance de la conjoncture politique, soit l'entrée en scène d'un nouveau gouvernement dédié à la réconciliation nationale. En s'appuyant sur les déclarations

du nouveau premier ministre et des membres de son gouvernement, le Commissaire, dès son premier rapport annuel pour l'année 1984, réclamait une relance administrative et législative du programme des langues officielles et une action coordonnée des deux ordres de gouvernement en vue d'améliorer la situation linguistique sur le plan fédéral et la promotion des deux langues dans tous les secteurs de la société canadienne.

C'est à la suite de ces efforts convergents que le gouvernement fit adopter en 1988 la nouvelle *Loi sur les langues officielles*. Il voulait ainsi effectuer une mise à jour de la Loi de 1969 et des politiques antérieures, en prenant acte notamment des conséquences des dispositions de la *Charte*; confirmer, en la précisant, la clause de la langue de service; et étendre la portée de la Loi aux deux autres objectifs du programme déjà en vigueur depuis la Résolution parlementaire de juin 1973, soit la langue de travail et la pleine participation des Canadiens francophones et anglophones dans l'ensemble des institutions fédérales.

Fait nouveau, le gouvernement s'est aussi engagé dans cette loi à appuyer le développement des minorités et à promouvoir le français et l'anglais dans la société canadienne. La mise en œuvre de la Loi est confiée à trois intervenants principaux, le Conseil du Trésor pour les programmes internes de l'État, le secrétaire d'État pour les aspects promotionnels de la Loi et le Commissaire aux langues officielles dans son triple rôle de protecteur des droits du citoyen, de vérificateur et de promoteur de l'égalité linguistique. Signalons que la Loi prévoit, en faveur de quiconque dépose une plainte au Commissariat, un mécanisme de recours judiciaire auprès de la Cour fédérale, recours qui renforce ainsi les pouvoirs du Commissaire et la protection des Canadiens.

La *Loi sur les langues officielles* jouit enfin d'un caractère quasi constitutionnel, non seulement parce qu'elle explicite des droits inscrits dans la *Charte*, mais encore du fait que plusieurs de ses parties les plus importantes l'emportent sur celles de toute autre loi fédérale qui lui serait incompatible, sauf la *Loi canadienne sur les droits de la personne*.

Les règlements d'application de la Loi sur les langues officielles

La *Loi sur les langues officielles* est une loi-cadre. Le législateur y a prévu en effet huit cas dans lesquels sa mise en œuvre peut donner lieu à des règlements : il s'agit de la conclusion d'accords et de traités (article 10), des procédures judiciaires (article 17), de la santé et de la sécurité du public (article 26), des communications et services (article 32), des mesures d'incitation (article 33), de la langue de travail (article 38), de la participation équitable (article 40) et des autres mesures réglementaires (article 93). En raison du retard évident à mettre en œuvre les dispositions nouvelles de la *Loi sur les langues officielles* (1988), retards injustifiés à ses yeux et contraires aux engagements répétés du gouvernement, le Commissaire déposait le 25 octobre 1990 un rapport spécial au Parlement dans lequel il demandait instamment au gouvernement de bien vouloir déposer

immédiatement devant la Chambre des communes l'avant-projet de règlement touchant les communications avec le public et la prestation de services, et subséquemment, mais en toute diligence, l'ensemble de la réglementation requise par la Loi.

Quelques jours plus tard, soit le 8 novembre, le gouvernement déposait au Parlement cet avant-projet de règlement sur les communications et les services. Nous attendons cependant toujours les autres avant-projets, notamment ceux concernant la langue de travail et la participation équitable — annoncés comme faisant partie du programme de réglementation fédérale de 1989 — mais aussi ceux relatifs à la santé et la sécurité et aux procédures judiciaires, dont l'adoption est nécessaire à une mise en œuvre ordonnée et efficace de la *Loi sur les langues officielles*, cela plus de deux ans et demi après son adoption par le Parlement.

Devant cette impressionnante progression vers l'égalité de statut, de droits et de privilèges de nos deux langues officielles, comment expliquer la situation dans laquelle se trouve aujourd'hui le Canada ? Bien que cela puisse sembler paradoxal, on aurait tort, à notre avis, de s'en surprendre. Pour importante qu'elle soit, cette progression ne pouvait tenir lieu de reconnaissance de la spécificité linguistique et culturelle du Québec ou de la création d'un cadre qui l'eut pleinement accommodée. Les institutions fédérales incarnent de plus en plus (avec certains retards regrettables) la dualité linguistique, mais il ne s'agit là que du premier terme de l'équation constitutionnelle. Comme l'avait souligné la Commission B.B. il y a vingt-quatre ans, nous l'avons dit plus haut et nous le répétons : « Les deux cultures dominantes s'incarnent au Canada dans des sociétés distinctes ». Cette opinion n'a jamais été universellement partagée ni par le gouvernement de l'époque ni par la population, mais elle reposait sur des études et des consultations approfondies, confirmées depuis. Qui peut dire que la suite des événements ait donné tort à ce point de vue et que son rejet, d'une manière ou d'une autre, contribuera à assurer l'avenir du Canada ? La confirmation pour le Québec d'un statut vieux de 124 ans, et sans cesse renouvelé, nous semble avoir été — et être encore — un bien piètre sujet de drame à un moment de l'histoire où son enchâssement est de plus en plus nécessaire. Il existe évidemment d'autres solutions, mais sont-elles vraiment plus prometteuses ?

III. BILAN DE LA RÉFORME ADMINISTRATIVE DANS LA SPHÈRE FÉDÉRALE

Les dix premières années de la réforme linguistique avaient été marquées par des progrès rapides et nets, consacrés surtout à la conversion des principes fondamentaux en objectifs réalisables et à la mise en place des moyens administratifs permettant d'atteindre ces objectifs. Mais au début des années 1980, la réforme linguistique montrait des signes évidents d'essoufflement : les langues dans le service au public poursuivaient leur progression à pas de tortue, alors que la langue de travail et la *participation équitable des membres des deux communautés*

dans la fonction publique étaient en stagnation. Nombreuses sont les causes de ce fléchissement, mais la plus importante, selon nous, trouve sa source dans la structure de base du programme, c'est-à-dire la Loi, les directives et les systèmes administratifs, en place depuis les années 1969-1970, qui montraient des signes évidents d'usure. Cette usure, qui a perduré jusqu'à maintenant dans certains domaines, était également due à un manque de dynamisme de la part des organismes centraux, dont l'attitude timide n'avait rien pour encourager les ministères et les sociétés d'État à participer activement au processus de réforme. Comme le déclarait le deuxième Commissaire, M. Maxwell Yalden, au Comité mixte en juin 1984, « la principale tâche à laquelle nous devons nous atteler est donc d'insuffler un peu de vie dans les règles et les systèmes afin d'améliorer l'offre réelle de services en français et en anglais, l'utilisation relative des deux langues au sein de l'administration fédérale et ce que le Parlement a appelé la pleine participation à la fonction publique des membres des collectivités anglophone et francophone ».

L'action du Commissariat

C'est donc dans ce contexte que le Commissaire entra en fonction en 1984. Soulignant qu'absence de relance signifiait recul, il s'efforça tout au long de son mandat d'inciter le gouvernement à renouveler les assises législatives et administratives du programme. Dans ses efforts pour relancer la réforme et aiguillonner les autorités, il y alla dès son premier rapport d'une cinquantaine de propositions et eut recours à toute une gamme d'interventions dont voici quelques exemples : de nombreuses suggestions dans les rapports annuels successifs, suivies d'un Plan directeur dans le *Rapport annuel 1988*, plan dont la mise en œuvre — encore loin d'être complète, hélas — permettrait de faire du principe fondamental d'égalité une réalité quotidienne, tant sur le plan strictement fédéral que sur ceux du développement des minorités et de la promotion du français et de l'anglais dans la société canadienne. Il comportait aussi un appel à des efforts d'information et de promotion auprès de tous les segments de la population canadienne. L'action d'ombudsman et de vérificateur se complétait par des publications diverses, le renouvellement de la revue *Langue et Société*, des discours, des voyages, l'organisation de colloques, la participation à des congrès; trois rapports spéciaux au gouverneur en conseil, chacun touchant l'un des objectifs du programme. Les vérifications du Commissariat dans les organismes fédéraux s'accompagnaient de nombreux rapports thématiques, notamment sur l'absence de services bilingues à l'Île-du-Prince-Édouard (1987), la langue de travail au Nouveau-Brunswick et au Québec (1987 et 1989), l'absence de services en français dans les parcs nationaux de l'Ouest (1988), l'usage des deux langues officielles durant les événements nationaux et internationaux (1988), la sous-représentation anglophone dans la catégorie Soutien administratif de la région de la capitale nationale (RCN). Il y eut aussi un rapport spécial au Parlement sur la réglementation et un recours judiciaire devant la Cour fédérale concernant l'usage de la presse minoritaire par Air Canada (1990). Inutile de préciser que le Commissaire n'était qu'un des acteurs.

De façon générale, il n'est pas sans intérêt de relever certains des jalons de la décennie qui ont marqué les institutions fédérales dans les quatre domaines traditionnels de la langue de service, de la langue de travail, de la participation équitable et de l'administration du programme.

Langue de service

En 1980, le Conseil du Trésor demande aux ministères de « tenir compte des questions relatives aux langues officielles » lorsqu'ils accordent une aide financière à des organismes bénévoles. En 1982, une directive du Conseil du Trésor instaure le principe de l'offre active bilingue dans les régions à demande importante; Toronto et Winnipeg sont ajoutées à la liste de ces régions. En 1983, la toponymie fédérale prend un nouveau tournant, s'orientant vers une nomenclature en grande partie unilingue. En 1988, le Conseil du Trésor diffuse le « symbole des langues officielles », destiné à indiquer au public quels sont les bureaux bilingues, dont la liste figure dans un répertoire remis à jour régulièrement. Puis, en novembre de l'an dernier, le gouvernement déposait finalement l'avant-projet de règlement sur les communications et les services en vertu de la *Loi sur les langues officielles* de 1988.

Mesurées à l'aune des plaintes reçues par le Commissariat, ces quelques initiatives n'ont pas marqué le renouveau attendu, puisque l'on est passé de 1 700 plaintes en 1980 à 2 300 en 1990. Cette augmentation marque sans doute un intérêt accru pour les questions linguistiques dans le sillage de la nouvelle Loi, mais elle démontre aussi que le respect des droits linguistiques des Canadiens est bien loin d'être entièrement satisfaisant. On note en particulier que les plaintes en provenance des petites communautés minoritaires sont dix fois plus nombreuses *per capita* que celle des grandes communautés; que le pourcentage de plaintes du Québec diminue et qu'elles proviennent à peu près également de plaignants francophones et anglophones. Le nombre de plaintes s'est stabilisé en 1990 par rapport à 1989, et celles émanant du public en général ont décru. Quand on songe que ceux qui se plaignent représentent au maximum 5 p. 100 des contraventions à la Loi, on se rend compte qu'il y a encore beaucoup de progrès à accomplir.

Langue de travail

En 1982, le Conseil du Trésor annonce que dorénavant, les fonctionnaires accédant à des postes de haute direction dans les régions bilingues (et de façon plus générale à des poste de surveillance) devront posséder le niveau intermédiaire de bilinguisme; il rappelle que dans leurs communications écrites avec le Québec, les bureaux principaux doivent respecter la ou les langues de travail en usage. En 1987, le Conseil du Trésor annonce que tous les fonctionnaires du groupe de la haute direction devront atteindre le niveau supérieur de bilinguisme en lecture et en conversation, d'ici 1998; un cours spécialisé est mis sur pied à leur intention.

Malgré ces expressions de bonne volonté, la situation de la langue de travail n'a que peu progressé durant la décennie et, sauf au Québec (et même là, avec des restrictions pour les sociétés d'État), le français n'a toujours pas la place qui lui est due dans l'administration fédérale. Le dernier sondage que le Conseil du Trésor

a effectué sur l'utilisation des deux langues officielles au travail remonte à 1984. Il a démontré que le français n'était utilisé qu'environ 30 p. 100 du temps, dans les régions bilingues. Le premier ministre lui-même déplorait en 1985 que la langue de travail relevât souvent du « folklore ». Malheureusement, aucun indice ne nous permet de conclure à une amélioration sensible de la situation, malgré des efforts fort louables de la part de certains organismes. Seul un règlement précisant les conditions de mise en œuvre des milieux propices à l'utilisation effective des deux langues permettrait de se rapprocher progressivement de l'objectif de la Loi.

Participation équitable

La Résolution parlementaire de 1973 a été la véritable initiatrice de ce qui fut appelé à l'époque la « pleine participation ». L'objectif était juste, si on se réfère au principe d'égalité des deux langues officielles et indispensable, si l'on songe à la langue de service au public. En 1980, on comptait 26,7 p. 100 de francophones dans la fonction publique; en 1990, ils y sont 28,3 p. 100, mais 26,7 p. 100 dans l'ensemble des organismes fédéraux y compris les sociétés d'État. Cet état de fait correspond assez bien aux objectifs de la Loi qui stipule que les effectifs des organismes fédéraux doivent *tendre à* refléter la présence de nos deux communautés linguistiques. Mais ce résultat global satisfaisant ne doit pas occulter les déséquilibres qui perdurent dans certaines régions et certaines catégories d'emploi. De nettes améliorations ont été réalisées en Ontario et au Nouveau-Brunswick, mais au Québec, la sous-représentation des anglophones dans la fonction publique continue d'être inquiétante. De même, dans la RCN, les anglophones sont sous-représentés dans la catégorie Soutien administratif et, de façon générale, les francophones sont trop peu nombreux parmi les gestionnaires, les scientifiques et les professionnels.

C'est le redressement de ces déséquilibres persistants, sources d'inéquités et d'irritations, qui doit constituer l'un des principaux défis des prochaines années dans le domaine de la participation.

Administration du programme

Il convient de signaler dès l'abord que la quasi-totalité des mesures prises s'adressent aux ministères et non aux sociétés d'État, comme elles le devraient également. Un mouvement de décentralisation des responsabilités — du Conseil du Trésor vers les ministères — s'est opéré au début de la décennie, ce qui est bon en soi. Il s'est accompagné dans les organismes d'une dispersion des responsabilités en matière de langues officielles, sous couvert de leur intégration aux opérations quotidiennes. En 1987, est lancé un nouveau programme d'imputabilité en matière de langues officielles, remplaçant celui des plans annuels. En vertu de protocoles d'entente entre le Conseil du Trésor et les ministères, ces derniers doivent mettre au point des plans d'action correspondant à leurs besoins, le but du système étant de responsabiliser davantage les dirigeants des organismes.

Les *exigences linguistiques des postes* constituent un des rouages clés de la machinerie linguistique de la fonction publique. En dix ans, leur profil a légèrement évolué, dans le sens qu'un plus grand nombre de postes ont été désignés

Tableau 1

Exigences linguistiques des postes, 1980 et 1990

Postes	1980		1990	
Bilingues	53 103	25,2%	62 080	29,2%
Anglais essentiel	128 119	60,7%	124 911	58,8%
Français essentiel	16 921	8,0%	13 816	6,5%
Réversibles	12 866	6,1%	11 780	5,5%
Total	**211 009**	**100%**	**212 587**	**100%**

Source : Système d'information sur les langues officielles.

Tableau 2

Postes et titulaires bilingues, 1980 et 1990

	1980		1990	
Postes bilingues	53 103		62 080	
Titulaires répondant aux exigences linguistiques de leur poste	43 883	82,6%	53 160	85,6%

Source : Système d'information sur les langues officielles.

bilingues, ce qui était nécessaire (tableau 1). On peut se demander cependant si cet accroissement n'est pas le résultat d'une solution de facilité, qui entraîne — au Québec en particulier — une réduction inconsidérée du nombre de postes français essentiel. On note également un rehaussement très marqué des niveaux de compétence exigés en principe par la désignation des postes, ce qui doit permettre une certaine amélioration dans la prestation des services. Le bassin d'employés bilingues est maintenant supérieur au nombre de postes bilingues, ce qui permet d'assurer la mobilité du personnel dans des conditions plus satisfaisantes.

Par ailleurs, les titulaires de postes bilingues, eux, ne répondent qu'un peu mieux qu'avant aux exigences linguistiques de leur poste (tableau 2), ce qui réduit en conséquence l'effet de l'accroissement des exigences noté plus haut.

Parallèlement, la méthode d'évaluation de la langue seconde (ELS) a été revue, permettant — à partir de 1987 — de connaître le niveau réel de compétence linguistique des fonctionnaires (en plus de savoir s'ils répondent ou non aux exigences de leur poste).

Pendant la même période, la dotation « *impérative* », qui exige qu'un candidat soit bilingue avant de pouvoir être nommé à un poste bilingue, a augmenté fortement, passant de 4 p. 100 à 19 p. 100 de toutes les nominations. Considéré au départ comme exceptionnel[1], ce mode de dotation fut encouragé, dans certaines circonstances, à partir de 1981. Il n'y a là rien d'anormal pourvu que cette exigence ne limite pas indûment l'accès à la fonction publique pour des unilingues qui sont capables d'apprendre l'autre langue officielle et qui sont prêts à le faire.

La *formation linguistique* s'est vue progressivement réglementée (réduction des heures d'apprentissage, imposition d'une aptitude à réussir). Elle a également été touchée par une décroissance considérable et par un appel de plus en plus important au secteur privé. La formation intensive et continue a été réduite au profit des autres types de cours, tendance que n'a fait qu'accentuer la nouvelle politique publiée en 1988. Celle-ci accorde au secteur privé une importance croissante et à la Commission de la fonction publique un rôle progressivement réduit, et elle amène les ministères à financer plus souvent la formation de leurs employés. Depuis trois ans, la réduction prononcée du personnel a entraîné des retards de moins en moins acceptables dans la formation de candidats prioritaires.

Au cours de la décennie, la *traduction* a été marquée par des efforts de rationalisation, par une réduction très nette du personnel et par un recours accru au secteur privé.

La *prime au bilinguisme* a traversé indemne la décennie, au rythme de 40 à 45 millions de dollars par an. À partir de 1987, le Conseil du Trésor a réévalué les connaissances linguistiques des titulaires de postes bilingues à raison de 9 500 par an, afin de vérifier si les récipiendaires méritaient toujours cette prime; le taux de succès a été de près de 90 p. 100 et l'opération se poursuit.

Au moment d'écrire ces lignes, nous sommes heureux de pouvoir dire que les efforts limités mais réels de l'administration et nos initiatives — soutenues et renforcées par les travaux du Comité mixte permanent des langues officielles, qui a été au cours de cette période une force motrice indéniable — ont eu certains effets bénéfiques. Un bon nombre d'éléments du programme touchant la langue de service ont été renouvelés, une nouvelle Loi est en place, un avant-projet de règlement sur le service au public est en voie d'approbation, on s'apprêterait à revoir plusieurs politiques pour les rendre conformes à la Loi; des protocoles d'entente ont aussi été signés entre le Conseil du Trésor et plus de 40 ministères, protocoles qui commencent à donner leurs premiers fruits. Même si les résultats tangibles ne sont pas toujours sensibles, nous constatons à la fin de 1990 que la nouvelle *Loi sur les langues officielles* a eu, à ce jour, un effet positif

[1] Phénomène paradoxal, d'ailleurs, puisqu'il a fallu un décret du gouverneur en conseil pour permettre la dotation dite « conditionnelle », qui tolère qu'un candidat unilingue soit nommé à un poste bilingue, en attendant de devenir bilingue.

dans environ 40 p. 100 des 50 organismes que nous évaluons cette année dans notre rapport, particulièrement en matière de service dans la langue officielle du public. En revanche, l'usage du français en milieu de travail à l'extérieur du Québec, et en particulier dans les domaines scientifique et technique, n'a toujours pas la place qui lui revient — et rien n'indique un renversement de la situation à court ou moyen terme À cet égard, nous déplorons toujours non seulement l'absence mais même le manque de volonté de soumettre des règlements relatifs à la langue de travail et à la participation équitable qui laisse planer sur le programme un flou dommageable à l'atteinte de ces objectifs et, qui plus est, empêche le plein respect des droits des Canadiens en ces matières et leur cause préjudice.

IV. LA SITUATION DES MINORITÉS

En 1985 avait lieu un colloque sur les communautés minoritaires de langue officielle, une des initiatives marquantes du Commissariat aux langues officielles au cours des années 1980. Un colloque comme celui-là a pour conséquence naturelle de faire ressortir les différences entre les situations et les défis que connaissent chacune de nos communautés minoritaires. Or, le colloque en question a permis de dégager un consensus extraordinaire sur les enjeux fondamentaux et les façons d'aborder les questions nationales. La déclaration de clôture du colloque l'illustre clairement. Voici ce que disaient dans leur synthèse les dirigeants des deux principales associations représentant les minorités linguistiques du Canada, la Fédération des francophones hors Québec (FFHQ) et Alliance Québec :

> « Nos communautés respectives se doivent de faire front commun partout où leurs intérêts et leurs objectifs coïncident. Ensemble, elles représenteront, d'une seule voix, près de deux millions de Canadiens qui vivent l'expérience d'une minorité linguistique au jour le jour. »

Les recommandations du Colloque portent entre autres sur l'établissement de mécanismes de coordination des services entre ministères et organismes fédéraux, la nécessité de mieux définir les obligations des ministères et des organismes ainsi que sur l'évaluation des conséquences des programmes et des services gouvernementaux sur la vitalité des communautés minoritaires.

Bilan de santé — recensements de 1981 et 1986

Au cours des années 1980, plusieurs tendances démolinguistiques ont continué d'agir sur la situation des minorités au Canada. Si la dualité canadienne ne fait aucun doute, elle se caractérise par une polarisation croissante : les francophones sont concentrés au Québec et dans les deux provinces adjacentes. Les francophones de l'Ontario et du Nouveau-Brunswick représentent 76 p. 100 de l'ensemble des francophones hors Québec, tandis que la minorité anglophone du Québec perd de l'importance. Par conséquent, au phénomène de la polarisation s'ajoute celui de la « ceinture bilingue » dont la résistance — ces dernières

années en particulier — est remarquable. Cela ne signifie pas que les autres groupes minoritaires soient sans importance. Bien au contraire, ils connaissent un regain de vitalité. Bien que le pourcentage de personnes dont la langue maternelle est le français ait légèrement diminué dans l'ensemble du pays entre 1976 et 1986, passant de 26 p. 100 à 25,1 p. 100, la proportion de francophones au Québec s'est accrue : 82,8 p. 100 en 1986 contre 82,4 p. 100 en 1976. L'une et l'autre communauté minoritaire de langue officielle représentait un pourcentage légèrement inférieur de son groupe linguistique à l'échelle nationale. Par contre, les communautés francophones de l'Ontario et du Nouveau-Brunswick — les deux plus importantes à l'extérieur du Québec — ont enregistré une croissance de 4 p. 100 de 1976 à 1986.

Si l'on en juge par une mesure relativement simple, l'« indice de continuité linguistique » (qui sert à comparer la langue maternelle à la langue parlée au foyer), l'anglais conserve un pouvoir d'attraction élevé mais très variable pour les francophones hors Québec. Les communautés minoritaires francophones ont subi des pertes importantes, en particulier pendant les longues années où la persévérance, voire l'héroïsme, ne pouvait rien contre l'absence d'un système éducatif de langue française financé à même les deniers publics. Il reste que la continuité linguistique à l'extérieur de cette province est demeurée relativement stable de 1981 à 1986 : parmi les personnes dont la langue maternelle est le français, sept sur dix utilisent cette langue le plus souvent à la maison. Bien qu'en chiffres absolus, les francophones soient plus nombreux en 1986 qu'en 1976 — 945 860 contre 908 440 —, ils représentent une proportion moindre de la population à l'extérieur du Québec : 5 p. 100 en 1986 par comparaison à 5,4 p. 100 en 1976. Ce déclin est attribuable en grande partie à l'immigration.

Il convient de noter que l'indice de continuité linguistique était beaucoup plus élevé dans les régions où la communauté francophone est nombreuse. Le démographe Jacques Henripin fait observer que la perte nette n'est que de 7 p. 100 au Nouveau-Brunswick, où la résistance des Acadiens « est aussi remarquable par sa force que par sa stabilité, au moins depuis 1971 ». On trouve des signes encourageants en Ontario aussi :

> « Leur nombre [celui des francophones] avait diminué entre 1971 et 1981, mais il a légèrement augmenté entre 1981 et 1986, pour atteindre 341 000. Compte tenu des moyens mis en place, dans cette province, pour faciliter la vie en français, il serait intéressant de vérifier si les Franco-Ontariens résistent mieux à l'assimilation. Il est trop tôt pour se prononcer; mais on peut tout de même constater que la fraction que représentent les francophones dans l'ensemble de la population est restée presque stable de 1981 à 1986 (3,9 à 3,8 p. 100), alors qu'elle avait diminué de 4,6 à 3,9 p. 100 entre 1971 et 1981. Compte tenu de la durée inégale de ces deux périodes, on peut dire que la vitesse à laquelle les Franco-Ontariens perdent du terrain est devenue trois fois plus faible. De plus — et cela est sans doute plus significatif —,

> l'indice de continuité linguistique a légèrement augmenté : il est passé de 70,5 p. 100 en 1981 à 71,1 p. 100 en 1986, alors qu'il avait diminué entre 1971 et 1981 [2]. »

Henripin et d'autres ont émis l'hypothèse que ce phénomène constitue peut-être une première indication du succès des politiques conçues pour renforcer la vitalité de la langue minoritaire.

Une décennie jalonnée de décisions judiciaires

La population québécoise de langue maternelle anglaise a diminué de 14,8 p. 100 entre 1976 et 1986, passant de 796 665 à 678 785, soit de 12,8 p. 100 de la population totale du Québec en 1976 à 10,4 p. 100 en 1986. Ce déclin est attribuable en grande partie à la migration interprovinciale. Quelque 202 113 Québécois de langue maternelle anglaise ont quitté la province, alors que seulement 54 213 sont venus s'y établir, de sorte que l'émigration anglophone nette se chiffre à 147 900. Cependant, la migration interprovinciale nette au cours de la période allant de 1981 à 1986 se caractérise par un ralentissement sensible de l'exode des anglophones du Québec enregistré au cours des cinq années précédentes et reflète peut-être l'incidence du climat politique et économique sur les courants de migration de ce groupe dont la mobilité est traditionnellement élevée.

Tout au long des années 1980, le statut des droits linguistiques a été confirmé à maintes reprises par les tribunaux, et certains des acquis les plus importants des minorités linguistiques sont le résultat de contestations judiciaires, fondées pour la plupart sur la *Charte canadienne des droits et libertés*.

Du fait qu'il garantit les droits à l'instruction publique dans la langue officielle de la minorité de la province, l'article 23 de la *Charte* a entraîné d'importants changements dans presque toutes les provinces. La première cause invoquant cet article a abouti à l'annulation des dispositions de la *Charte de la langue française* du Québec (loi 101) qui limitent aux enfants de parents instruits en anglais au Québec l'accès aux écoles anglaises. Cette décision, rendue en 1984, a étendu l'accès aux enfants de parents instruits en anglais n'importe où au Canada. Cette approche équilibrée assurait la protection des droits à l'instruction dans la langue de la minorité tout en reconnaissant les circonstances propres au Québec. L'article 59 de la *Loi constitutionnelle de 1982*, rappelons-le, suspend l'application dans cette province d'un critère plus universel fondé sur la « langue maternelle » en attendant l'autorisation de l'Assemblée nationale ou du gouvernement du Québec.

L'article 23 de la *Charte* est également à l'origine de nombreuses décisions judiciaires dans d'autres provinces où les parents et les autorités provinciales ne s'entendaient pas sur la définition de l'expression « lorsque le nombre le

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[2] Jacques Henripin, « Le recensement de 1986 : certaines tendances séculaires s'atténuent », *Langue et Société*, nº 24, automne 1988, p.8.

justifie » ni sur la question de savoir si l'article 23 confère à la communauté minoritaire le droit de contrôler et de gérer l'éducation dans sa langue. Le Commissariat est intervenu dans un certain nombre de ces causes. C'est en partie au manque d'ouverture et de générosité dont ont fait preuve les autorités locales ou provinciales dans l'interprétation de l'article 23 qu'il faut attribuer ces litiges. L'attitude de certaines provinces a eu pour effet de priver une génération d'enfants de la minorité de langue officielle du type et de la qualité d'enseignement auxquels ils avaient clairement droit.

En 1990, l'affaire *Mahé et al.*, en Alberta, a constitué pour la Cour suprême la première occasion d'examiner en profondeur cet article. La Cour a statué que l'article 23 « est destiné [en outre] à remédier, à l'échelle nationale, à l'érosion progressive des minorités parlant l'une ou l'autre langue officielle et à appliquer la notion de "partenaires égaux" des deux groupes linguistiques officiels dans le domaine de l'éducation ».

Dans cette affaire, la Cour a conclu que l'article 23 confère également aux parents de la minorité linguistique, lorsque le nombre des élèves le justifie, le droit de gérer et de contrôler leurs propres établissements d'enseignement. Selon le nombre d'élèves dont il est question, la méthode du « critère variable » garantirait le type et le niveau de droits et de services qui sont appropriés.

Le statut du français et de l'anglais dans les assemblées législatives et les tribunaux a également fait l'objet de litiges, tout au long de la décennie, dans plusieurs provinces. En 1979, la *Loi de 1870 sur le Manitoba* a été déclarée anticonstitutionnelle par la Cour suprême du Canada. Le même jour, la première décision rendue par la Cour suprême dans l'affaire *Blaikie* a eu pour effet d'annuler les dispositions de la *Charte de la langue française* voulant que seul le texte français des lois et des jugements soit officiel et limitant le choix linguistique des juges, des avocats et des personnes morales devant les tribunaux et d'autres organismes quasi judiciaires. En 1981, la seconde décision de la Cour suprême dans l'affaire *Blaikie* clarifia les droits établis par l'article 133 de la *Loi constitutionnelle de 1867*.

La Cour suprême a défini l'article 133 et une disposition analogue de la *Loi de 1870 sur le Manitoba* dans deux avis émis en 1986. Dans les affaires *Bilodeau* et *MacDonald*, la Cour a décidé que les citations judiciaires pouvaient être rédigées en français ou en anglais, quelle que soit la langue des personnes assignées. Tout en reconnaissant qu'il est peut-être souhaitable que le destinataire comprenne la citation, la Cour a donné l'interprétation stricte et littérale qui suit : « [...] il n'appartient pas aux tribunaux, sous couvert d'interprétation, d'améliorer ce compromis constitutionnel historique, d'y ajouter ou de le modifier ».

Dans l'affaire *Mercure*, en 1988, la Cour suprême a statué que l'Alberta et la Saskatchewan étaient assujetties aux règles du bilinguisme parlementaire, législatif et judiciaire aux termes de l'article 110 de la *Loi sur les Territoires du Nord-Ouest*,

bien que, contrairement aux droits analogues établis au Québec, au Manitoba, au Nouveau-Brunswick et à l'échelon fédéral, les droits en cause ne fussent pas inscrits dans la Constitution du Canada. Profitant de cet oubli historique, tant l'Alberta que la Saskatchewan ont par la suite aboli ou limité la plupart de ces droits. La Cour suprême a déclaré, en l'occurrence, que les droits linguistiques « constituent un genre bien connu de droits de la personne et devraient être abordés en conséquence ». Cette décision éminemment sage représente, de l'avis du Commissaire, un gain important en faveur des droits linguistiques.

C'est en 1988 également que la Cour suprême a rendu deux décisions sur la question de la langue de l'affichage commercial au Québec. Elle a statué que la loi québécoise, qui interdisait sauf en de rares circonstances l'affichage dans des langues autres que le français, portait atteinte à la liberté d'expression et aux droits à l'égalité garantis par la *Charte des droits de la personne* du Québec. Dans l'un et l'autre cas, *La Chaussure Brown's* et *Singer*, la Cour a conclu que l'obligation d'employer la langue française et même la prédominance de celle-ci sur les affiches commerciales pouvaient se justifier par la poursuite d'un but social légitime. Elle considérait toutefois qu'il était inacceptable d'imposer l'emploi du français à l'exclusion des autres langues, compte tenu en particulier du fait qu'aucun argument convaincant n'avait été présenté à l'appui d'une telle restriction. Par la suite, l'Assemblée nationale du Québec a invoqué la clause dérogatoire des *Chartes* québécoise et canadienne (bien qu'elle n'eût pas souscrit à cette dernière) afin de soustraire sa nouvelle loi sur l'affichage commercial (la loi 178) à l'application des deux *Chartes*.

Sur la route de l'égalité : le gouvernement fédéral et plusieurs provinces se donnent la main

Les tribunaux n'ont pas été les seuls à défricher le terrain des droits linguistiques — loin de là. Plusieurs gouvernements ont élaboré de nouvelles lois et politiques qui touchent de près leurs communautés minoritaires. Ainsi, comme nous l'avons vu, le gouvernement fédéral a adopté la *Charte canadienne des droits et libertés* en 1981 et une nouvelle *Loi sur les langues officielles* en 1988. Pour les communautés minoritaires, la *Charte* représente un grand pas en avant. De même, la *Loi sur les langues officielles* revêt une importance particulière pour les groupes minoritaires francophones et anglophones. Par son adoption, le gouvernement fédéral s'engageait pour la première fois à « favoriser l'épanouissement des minorités francophones et anglophones [...] et à appuyer leur développement », ainsi qu'à encourager et à aider les gouvernements provinciaux à favoriser l'épanouissement de leurs minorités respectives. Par ailleurs, afin de promouvoir l'accès à l'égalité, le Commissaire proposait en 1988 que, à l'occasion d'une future conférence constitutionnelle, le gouvernement fédéral soumette à l'approbation des provinces une formule qui devait avoir pour objet l'extension des services dans leur langue aux minorités de langue officielle, afin de favoriser l'épanouissement des minorités francophones et anglophones et de réduire l'écart entre le statut du français et de l'anglais dans tout le pays. À cette fin, le Commissaire préconise maintenant des mesures plus précises qui sont décrites dans le présent rapport.

Par suite de la promulgation de la *Loi sur les langues officielles* de 1988, le gouvernement fédéral a conclu avec les provinces et les territoires une entente-cadre ou des ententes auxiliaires cernant des secteurs de collaboration pour l'avenir et traitant de projets tels que des écoles, des centres communautaires et des services gouvernementaux. Sept provinces ou territoires ont conclu jusqu'ici des ententes-cadres pluriannuelles. En outre, le gouvernement fédéral continue d'offrir aux provinces une aide financière considérable au titre de l'enseignement dans la langue de la minorité, en application de l'article 23 de la *Charte*, et de l'enseignement de la langue seconde, en vertu de la Partie VII de la *Loi sur les langues officielles*. À ces fins, chacune des provinces et chacun des territoires ont conclu avec le gouvernement fédéral des accords de partage des frais. La loi fédérale reconnaît également le droit d'utiliser le français ou l'anglais dans le cadre de l'instruction d'affaires criminelles d'un bout à l'autre du pays.

De leur côté, les provinces et les territoires ont pris certaines initiatives en vue d'améliorer l'accès aux services dans la langue officielle de la minorité. Le Nouveau-Brunswick met activement en œuvre depuis 1982 une politique des langues officielles fondée sur l'égalité des communautés francophone et anglophone. Au Manitoba, la politique sur les services en français — qui avait suscité une grande controverse au début des années 1980 lorsqu'il avait été question de l'inscrire dans la Constitution — vient d'être élargie avec l'appui de tous les partis représentés à l'Assemblée législative.

En 1984, les Territoires du Nord-Ouest ont adopté une *Loi sur les langues officielles* dans laquelle sont inscrits le droit de recevoir les services du gouvernement territorial en français, le droit d'utiliser le français dans les affaires civiles instruites par les Cours territoriales et l'obligation d'établir en français et en anglais les lois, archives, comptes rendus et procès-verbaux de l'Assemblée législative. Le Yukon a voté une loi semblable en 1988.

Pour ce qui est des trois provinces du Canada ayant les communautés minoritaires les plus nombreuses, elles ne sont pas restées inactives non plus. (À noter que ces trois provinces comptent 93 p. 100 des membres de nos minorités de langue officielle.) L'Ontario a adopté en 1986 la *Loi sur les services en français* qui garantit le droit de recevoir les services du gouvernement provincial en français dans certaines régions désignées. Ces régions sont celles où la communauté minoritaire représente 5 000 personnes dans le cas d'une agglomération urbaine ou 10 p. 100 de la population ailleurs. Plus de 80 p. 100 des Franco-Ontariens habitent dans les régions désignées.

Le Québec, pour sa part, a adopté en 1986 la loi 142 qui garantit le droit de bénéficier de services sociaux et de soins de santé en anglais dans toute la province. Quant au Nouveau-Brunswick, il se propose de consolider les droits linguistiques en faisant inscrire dans la Constitution les dispositions de la loi 88 sur l'égalité des deux communautés linguistiques de la province.

Les modifications apportées aux lois provinciales ne représentent pas toutes des progrès. Ainsi, comme nous l'indiquons dans le survol des décisions judiciaires, l'Alberta, la Saskatchewan et le Québec ont tous pris des mesures plus ou moins restrictives à l'encontre des droits de la minorité linguistique à la suite d'arrêts de la Cour suprême. Et les provinces ne se sont pas toutes montrées aussi consciencieuses pour ce qui est d'assumer les responsabilités que leur confère l'article 23 de la *Charte* à l'égard de l'enseignement dans la langue de la minorité. On peut pardonner aux minorités de croire que certains gouvernements ne sont disposés à s'acquitter de leurs obligations constitutionnelles que lorsqu'un tribunal le leur ordonne, que le gouvernement fédéral leur offre d'importantes sommes d'argent ou les deux.

Les provinces qui comptent les plus importantes communautés minoritaires de langue officielle, notamment le Québec, l'Ontario et le Nouveau-Brunswick, ont mis en place un système d'éducation qui correspond d'assez près aux prescriptions de la *Charte*. L'Ontario a réalisé des progrès remarquables, depuis 1986 en particulier, dans l'adaptation des structures éducatives en fonction des dispositions de la *Charte*. Le Québec a accepté la décision de 1984 de la Cour suprême, réglant ainsi le seul point contesté au regard de la *Charte* par un système bien établi d'éducation de langue anglaise dont les établissements vont des écoles primaires aux universités. Le Québec délaisse actuellement la structure confessionnelle en faveur d'une structure linguistique. Par le passé, les propositions visant à instituer des commissions scolaires linguistiques ont suscité la controverse au sein de la communauté d'expression anglaise, mais la réforme en cours semble bénéficier d'appuis considérables. Au Nouveau-Brunswick, le système complet d'enseignement en français est presque idéal en ce qui concerne le respect des droits à l'instruction dans la langue de la minorité. Avant même que la *Charte* soit adoptée, ce système était divisé en deux secteurs, comme au Québec d'ailleurs, et le secteur français était géré et contrôlé par les francophones. Si les possibilités éducatives sont plus limitées dans d'autres provinces, certains gouvernements — celui du Manitoba par exemple — ont largement contribué à la préservation et au développement des établissements existants.

Dans l'arrêt *Mahé et al.*, la Cour suprême réclamait en 1990 de faire diligence et de « mettre en place un système approprié pour l'enseignement dans la langue de la minorité » y compris un degré variable de gestion. Parmi les juridictions qui ne s'étaient pas déjà rendues à ce jugement, ce sont paradoxalement les plus petites qui ont donné le ton. Un tel système est en place à l'Île-du-Prince-Édouard et il est en voie de l'être au Yukon. En Saskatchewan, il a franchi l'étape de la conception, mais sa mise en œuvre tarde tandis que la Colombie-Britannique et le Manitoba s'apprêtent à le définir; en Alberta, le travail est moins avancé. Enfin, malgré la création d'écoles ou du moins de classes, à Terre-Neuve, en Nouvelle-Écosse et dans les Territoires du Nord-Ouest, les résultats se font toujours attendre huit ans après l'entrée en vigueur de la *Charte*.

Bien que ce soit le gouvernement fédéral qui contribue le plus à aider les minorités francophones dans tout le pays, le Québec joue aussi un rôle mineur, mais utile, en appuyant financièrement certains des projets et des associations de ces communautés.

Le Secrétariat d'État

Le Secrétariat d'État n'avait pas attendu la sanction législative officielle que lui conférait la *Loi sur les langues officielles* de 1988 pour aider les minorités à s'épanouir et à promouvoir la dualité linguistique au sein de la société canadienne. Dès 1969, il créait des programmes qui devaient, au fil des ans, changer de nom mais garder les mêmes objectifs, destinés à aider les minorités de langue officielle à s'épanouir — et la société à mieux accepter et vivre la dualité. Les deux grands axes d'intervention du Secrétariat d'État ont toujours été l'instruction et l'enseignement de la langue seconde et l'appui aux organisations représentant des minorités.

Au début des années 1980, les instruments d'intervention du Secrétariat d'État se raffinent. Dans le domaine de l'éducation, il élabore des protocoles d'entente, qui situent l'aide financière du gouvernement fédéral aux provinces dans un cadre plus large. Ainsi, en 1983, le ministère concluait, par le truchement du Conseil des ministres de l'Éducation (Canada), une entente globale avec toutes les provinces. Reconduite en 1985, l'entente sera renouvelée en 1988 dans un cadre encore plus dynamique, celui créé par la nouvelle *Loi sur les langues officielles*.

L'effort financier du gouvernement dans ses programmes d'aide à l'éducation est loin d'être négligeable. Au cours des vingt années écoulées depuis la première *Loi sur les langues officielles*, il a ainsi octroyé plus de 2,5 milliards de dollars à l'enseignement dans la langue de la minorité et à l'enseignement de la langue seconde. Ces sommes importantes, mais non exorbitantes quand on considère le coût de l'éducation en général, représentent un investissement dans l'avenir du Canada. Elles ont contribué, surtout après la promulgation de la *Charte*, à la multiplication des écoles pour les minorités francophones hors Québec (511 écoles en 1988), au maintien du réseau scolaire pour la minorité anglophone du Québec (307 écoles en 1988) et à l'expansion soutenue de l'enseignement du français et de l'anglais langues secondes.

L'aide du Secrétariat d'État aux organismes représentatifs des minorités est aussi importante à long terme pour leur épanouissement que sa contribution à l'enseignement dans la langue de la minorité et à l'enseignement de la langue seconde. En 1975, la Fédération des francophones hors Québec est créée pour coordonner les activités d'une multitude d'organismes provinciaux et régionaux. En 1982, c'est au tour d'Alliance Québec de devenir le principal porte-parole des anglophones du Québec[3]. En même temps, une multitude d'organismes régionaux, locaux ou à vocation spécifique se sont formés partout au Canada, au

[3] Alliance Québec est également intervenue à plusieurs reprises devant les tribunaux dans des causes relatives aux droits scolaires des minorités francophones et a pris leur parti à d'autres occasions.

cours des vingt dernières années. Il est impossible de les nommer tous, mais mentionnons à titre d'exemples : l'Association de la presse francophone et l'Association des médias régionaux anglophones du Québec, la Commission nationale des parents francophones, la Fédération des jeunes Canadiens français et la Quebec Drama Federation.

Au début de la décennie, le Secrétariat d'État octroyait son aide à des projets précis soumis par quelque 400 organismes des communautés minoritaires. Cependant, lors du renouvellement de ce programme en 1983, cette aide ponctuelle a été inscrite dans une perspective plus générale de développement des communautés. Ce souci de mieux atteindre les objectifs et d'établir des stratégies à long terme a mené à des consultations de plus en plus étroites avec les organismes minoritaires. Les représentants des communautés sont en effet les mieux placés pour déterminer les besoins de leurs membres. En 1987, ces consultations vastes et approfondies portaient leurs fruits. À la veille de renouveler son programme pour cinq ans, le Secrétariat d'État, en accord avec les communautés, précisait cinq grands secteurs d'intervention : la représentation, afin d'assurer une reconnaissance accrue des organismes communautaires; l'institutionnalisation, qui renforce les institutions servant les minorités dans leur langue ou en crée de nouvelles; la prestation de services; l'animation; enfin, le développement des ressources humaines au sein des communautés minoritaires.

Afin de souligner l'importance qu'il accorde à cette approche plus globale, le Secrétariat d'État renouvelait aux termes de la nouvelle Loi de 1988, ses programmes pour la promotion des langues officielles de façon permanente et s'engageait à y consacrer plus de 200 millions de dollars au cours des cinq prochaines années (1988-1993), ce qui représentait une augmentation de quelque 50 millions de dollars par rapport aux cinq années précédentes.

La Loi de 1988 innovait en confiant au secrétaire d'État la responsabilité de coordonner les efforts et les activités des diverses institutions du gouvernement fédéral en matière de développement des communautés minoritaires. Au sein du ministère, une structure a été mise sur pied et les campagnes de sensibilisation et d'information menées auprès des autres ministères quant à leurs responsabilités à l'égard de la dualité ne tarderont sans doute pas à donner des fruits.

Au chapitre des communications, les années 1980 ont été marquées par un élargissement progressif de l'accès aux services des réseaux français et anglais de Radio-Canada de même qu'à des services de programmation locaux, quoique ces activités aient été grandement réduites par suite de compressions budgétaires. Dernièrement, quelques stations de radio communautaire ont été créées avec la participation du Secrétariat d'État et du ministère des Communications. Elles représentent l'une des rares sources de programmation locale dont disposent les minorités linguistiques. Les gouvernements du Canada et du Québec ont contribué au financement de la chaîne TV-5, qui retransmet des émissions provenant

de différents pays francophones et grâce à laquelle les francophones bénéficient d'une programmation beaucoup plus diversifiée. Bien que l'accès à TV-5 augmente, il est encore limité. Le gouvernement de l'Ontario, pour sa part, a grandement favorisé la radiodiffusion en français en mettant sur pied son réseau de télévision éducative en français, « La Chaîne française », qui connaît un succès remarquable. L'accès par câble au réseau français TVA se répand également à l'extérieur du Québec.

La vie des communautés de langue minoritaire

Après avoir aidé plus tôt les communautés minoritaires à se doter d'institutions représentatives, le Secrétariat d'État s'attaque, au cours des années 1980, à des projets concrets de développement communautaire permettant aux groupes, généralement à l'échelle provinciale, à adopter des structures de concertation, de regroupement et de représentation. En effet, les minorités veulent diversifier de plus en plus leurs activités pour s'imposer et s'épanouir dans les domaines de la culture, de l'économie, des communications et des médias.

Ce pari est à la veille d'être gagné. Le dynamisme des communautés et des groupes éclate tous les jours aux yeux de tous. Nous avons déjà mentionné les progrès réalisés dans le domaine de l'éducation, mais il en est d'autres. Ainsi, sur le plan de l'information, les minorités ont un réseau de publications qui va croissant, et les francophones hors Québec ont maintenant une Agence de presse francophone. Les communautés les plus nombreuses se sont munies d'une armature solide d'associations et d'organismes religieux et laïques, comme les caisses populaires qui encadrent leur vie communautaire. En outre, les communautés plus petites commencent, avec l'aide provenant de diverses sources, à mettre en place l'essentiel de cette infrastructure, surtout sous la forme des centres scolaires-communautaires, que l'on trouve dans l'Est, depuis quelques années, et qui seront également créés dans l'Ouest.

Les francophones hors Québec vivent un véritable bouillonnement culturel : les maisons d'édition francophones se multiplient en Ontario; de plus en plus, des troupes de théâtre de langue française se forment au sein de toutes les communautés provinciales; les festivals francophones attirent des foules nombreuses, surtout à Ottawa. Les artistes et les écrivains s'imposent sur la scène canadienne. Enfin, les communautés francophones hors Québec défendent avec plus de vigueur, mais aussi de sérénité, leurs droits et leur place au sein de la société. Leurs associations sont actives, tout comme leur réseau de médias. Attentives à l'évolution de leur province, elles manifestent tout à la fois leur compréhension pour les aspirations du Québec et leur désir de préserver leur langue et leurs institutions. Plus confiantes, plus dynamiques, elles veulent que leur contribution à leurs diverses sociétés provinciales soit reconnue et valorisée. Partout l'on sent, malgré les tensions constitutionnelles actuelles, leur détermination à affronter l'avenir et à rester elles-mêmes.

La robustesse relative des minorités de langue officielle au Canada est, comme nous l'avons vu, tributaire de divers facteurs : poids démographique, vitalité,

développement institutionnel et appui gouvernemental. En élargissant l'éventail des services dispensés dans la langue de la minorité, le gouvernement fédéral et plusieurs provinces traduisent l'engagement profond de leurs citoyens envers la protection des droits des minorités et envers le développement et l'amélioration d'une gamme variable de services essentiels dans la langue officielle de la minorité.

Les Anglo-Québécois ont, pour leur part, édifié un réseau impressionnant d'institutions culturelles et éducatives et jouissent d'une riche vie communautaire dans la plupart des régions du Québec.

À cet égard, l'opinion publique canadienne ne saisit pas toujours bien l'écart qui existe au Québec entre le statut du français, langue officielle unique... et le bilinguisme en tant qu'obligation constitutionnelle à l'Assemblée nationale, dans la loi, dans l'administration de la justice et comme réalité quotidienne dans de nombreux secteurs : éducation, santé, services sociaux, milieu de travail, presse, médias électroniques — sans parler du bilinguisme individuel le plus répandu au pays. Dans l'ensemble, l'anglais est encore beaucoup plus vigoureux et d'usage plus courant au Québec que le français ne l'est dans les autres provinces du Canada. C'est ce qui explique qu'en dépit d'un recul démographique et de la frustration créée par la loi 178, la situation des Anglo-Québécois demeure relativement solide et qu'ils soient aussi déterminés à s'intégrer dans la nouvelle société québécoise.

Les plus petites communautés francophones à l'extérieur du Québec sont en difficulté. En raison de leur faiblesse numérique, les autorités gouvernementales peuvent difficilement leur assurer toute la gamme des services et des activités en français, même lorsqu'elles sont disposées à le faire. Toutefois, des initiatives comme celles prises récemment par le Manitoba, l'Île-du-Prince-Édouard et le Yukon indiquent que, même dans le cas de petites communautés, vouloir c'est pouvoir. De plus, l'exécution des garanties de la *Charte* en matière d'accès à des services d'enseignement en français gérés par la communauté ne manquera pas de produire des résultats tangibles. Les nouvelles écoles servent souvent de centres communautaires en dehors des heures de classe et contribuent à favoriser l'utilisation de la langue par les adultes comme par les enfants.

Rappelons qu'en Ontario et au Nouveau-Brunswick (où habitent près de 750 000 francophones), le phénomène de l'assimilation semble s'être stabilisé ou même avoir légèrement régressé entre 1981 et 1986. La vitalité des communautés minoritaires dans ces provinces est renforcée par l'appui croissant des institutions à l'égard de la prestation des services essentiels en français. L'Ontario a amorcé des changements profonds au moyen notamment des mesures progressistes prévues dans sa *Loi sur les services en français* et de sa réforme de l'éducation. Le Nouveau-Brunswick, lui, a établi un cadre législatif et constitutionnel solide pour garantir les droits linguistiques de ses citoyens.

Le mouvement déclenché par la Commission B.B. et confirmé par la *Charte* poursuit sa progression. Après plus de vingt ans d'efforts, nos communautés minoritaires de langue officielle sont encore loin d'avoir atteint un état de bien-être idéal. Il reste que, à divers égards, le Canada et les provinces sont allés *bien au-delà* des recommandations de la Commission B.B. et que l'impulsion donnée par celle-ci continue de se faire sentir.

V. LES LANGUES OFFICIELLES DANS LA SOCIÉTÉ CANADIENNE

En même temps que les minorités vivaient cette transformation profonde de leurs conditions de vie, la société canadienne dans son ensemble subissait aussi de profondes mutations. Un des spécialistes canadiens les plus en vue dans le domaine de l'analyse des tendances sociales estime que le Canada en général a commencé à se rallier avec le temps à la politique fédérale de bilinguisme :

> « À la fin de 1989, 58 p. 100 des Canadiens souscrivaient à la politique des deux langues officielles, comparativement à 55 p. 100 en 1980 et à 49 p. 100 en 1975. Dans chaque région, on a enregistré une légère augmentation depuis les années 1970 dans la proportion de Canadiens qui sont favorables au bilinguisme — une tendance digne de mention, étant donné que la politique n'est devenue loi qu'en 1969. En 1987, un vaste sondage national auprès des quinze à vingt-quatre ans a montré que 69 p. 100 de la génération montante appuie le bilinguisme.
>
> De telles constatations indiquent que le bilinguisme gagne des partisans dans tout le pays. Le processus a été lent, et l'accueil a été particulièrement réservé dans l'Ouest du Canada. Les écarts selon l'âge et l'instruction donnent toutefois à penser que le degré d'acceptation pourrait continuer d'augmenter avec le temps — à moins que des événements comme [l'Accord du] lac Meech ne viennent saboter [cette] tendance favorable[4] » [notre traduction].

Avant d'esquisser le portrait de cette nouvelle société, il serait bon d'examiner comment le gouvernement fédéral a tenté de modifier le paysage linguistique du pays, en intervenant dans quelques secteurs clés. Depuis la Commission B.B., les Canadiens avaient compris que c'est au sein des jeunes générations que les progrès du bilinguisme individuel avaient le plus de chances d'être assurés. En dépit des aléas politiques et constitutionnels, de plus en plus de parents souhaitent que leurs enfants apprennent l'autre langue officielle. Selon un sondage réalisé en juin 1987, parrainé par la Canadian Parents for French (CPF), organisme œuvrant pour la promotion de l'enseignement du français langue seconde,

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[4] Reginald W. Bibby, *Mosaic Madness: The Poverty and Potential of Life in Canada*, Toronto, Stoddart Publishing Co., 1990, p. 51-52.

68 p. 100 des parents interrogés étaient favorables à l'autre langue officielle. En février 1990, toujours selon un sondage de la CPF, près des trois quarts des parents favorisaient l'usage de l'autre langue officielle.

Afin d'aider les provinces à mieux répondre à ce besoin, le gouvernement fédéral leur octroie chaque année des fonds. Cette contribution financière a donné lieu à une impressionnante augmentation de l'enseignement du français langue seconde à l'extérieur du Québec; ainsi, au primaire, la proportion d'élèves apprenant le français langue seconde est passée de 28 p. 100 en 1970-1971 à près de 60 p. 100 en 1988-1989. Au Québec, l'ensemble des élèves anglophones sont inscrits à des cours de français langue seconde, tandis que les élèves francophones suivent des cours d'anglais langue seconde dès la quatrième année.

Une des manifestations les plus visibles et les plus importantes de la dualité linguistique dans la société a été l'étiquetage bilingue, établi par législation fédérale et implicitement accepté par législation québécoise. En effet, depuis 1974, les emballages de presque tous les biens de consommation doivent comporter certains renseignements essentiels dans les deux langues officielles. Malgré quelques combats d'arrière-garde, on va souvent au-delà des exigences minimales et cette pratique est maintenant généralisée et acceptée partout, ce qui permet au français et à l'anglais de voisiner sur tous les rayons des magasins du Canada.

À peine avait-on fait une percée dans ce domaine que le rythme foudroyant de la révolution informatique lançait un nouveau défi à la pratique de la dualité. En effet, la plupart des logiciels sont créés en anglais; l'utilisation des ordinateurs étant devenue quasi universelle, le français risquait d'être relégué au second plan dans ce secteur de pointe de la science et de la technologie modernes.

Le gouvernement fédéral a réagi sur deux fronts : il a participé, conjointement avec le gouvernement du Québec et le secteur privé, à des groupes de travail destinés à favoriser l'élaboration de logiciels de langue française et il a aidé financièrement les entreprises qui voulaient s'attaquer à cette tâche. Par ailleurs, pour répondre, du moins en partie, aux recommandations du Commissaire, le gouvernement fédéral a voulu prouver qu'une organisation aussi vaste et complexe que la sienne est en mesure d'utiliser l'informatique dans les deux langues. À cet égard, la *Loi sur les langues officielles* de 1988 est sans équivoque : elle stipule que les institutions fédérales de la région de la capitale nationale et de certaines autres régions désignées, doivent « veiller à ce que les systèmes informatiques d'usage courant et généralisé et acquis ou produits par elles à compter du 1er janvier 1991 puissent être utilisés dans l'une ou l'autre des langues officielles ».

C'est cette même loi qui, on le sait, a élargi et précisé l'engagement du gouvernement de « promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ». La Partie VII de la Loi confie notamment

au secrétaire d'État des responsabilités d'inciter et d'encourager les secteurs privé et bénévole à promouvoir l'usage des deux langues officielles; il s'agit là d'un mandat nouveau, sinon d'un programme tout à fait original, par rapport à ce que prônait la Loi de 1969. Le Secrétariat d'État a donc étendu son action depuis deux ans. Il est encore tôt pour en faire le bilan, mais l'impulsion est donnée, et les principales institutions représentant les secteurs privé et bénévole se sensibilisent de plus en plus à la dimension de la dualité linguistique, ne serait-ce que dans la perspective d'un meilleur service au client. On peut cependant noter avec satisfaction que le Secrétariat d'État s'efforce d'aider les organismes privés et bénévoles à formuler des plans et des stratégies d'action à long terme, qui modifieront en profondeur leur fonctionnement, au lieu de se contenter, comme il le faisait à la fin des années 1970, de financer quelques traductions et de publier quelques brochures préconisant l'utilisation des deux langues officielles.

Cette sensibilité accrue est plus particulièrement perceptible dans la RCN. Au cours des dix dernières années, l'expansion de la région d'Ottawa-Hull s'est poursuivie, et la dualité y est désormais plus visible que n'importe où ailleurs au pays. Il suffit de se rappeler ce qu'était cette région il y a vingt ou vingt-cinq ans pour se rendre compte de la véritable révolution qui s'y est produite. D'une part, le bilinguisme individuel y a augmenté de façon soutenue tout au cours de cette période : plus de 65 p. 100 des Franco-Ontariens et des Franco-Québécois sont bilingues, tandis que 50 p. 100 des Anglo-Québécois et plus de 20 p. 100 des Anglo-Ontariens le sont. Dans tous ces groupes, cette proportion ne cesse de croître.

D'autre part, de plus en plus de services sont disponibles dans les deux langues dans la RCN. Les services fédéraux sont généralement satisfaisants, tandis que les services provinciaux et municipaux s'améliorent. Par contre, la situation est moins satisfaisante en ce qui a trait à l'affichage commercial des deux côtés de la rivière quant aux services offerts par le secteur privé à Ottawa. À cet égard, le Secrétariat d'État a récemment conclu un accord avec la Commission de la capitale nationale afin de sensibiliser et d'aider le secteur privé à contribuer davantage à faire d'Ottawa-Hull une région vraiment représentative d'un pays qui respecte sa dualité linguistique.

Les efforts du gouvernement fédéral en vue de promouvoir la dualité au sein de la société sont d'autant plus importants qu'ils se situent dans un contexte global qui ne lui est pas toujours favorable. L'évolution sociopolitique pourrait en effet porter atteinte à une expression vibrante de la dualité linguistique, si l'on n'y prenait garde. Voici quelques exemples de tendances sociopolitiques qui ont pris une importance particulière au cours des années 1980 :

- l'énorme brassage de populations s'est accéléré dans toutes les parties du monde provoquant de nouveaux mouvements migratoires. Le Canada devient de plus en plus la destination préférée de nombreuses personnes en

provenance d'Asie, d'Afrique, du Moyen-Orient, d'Amérique latine, et non plus seulement des États-Unis et de l'Europe, qui sont plus familières avec les données et les exigences du plurilinguisme;

- les Néo-Canadiens se reconnaissent plus volontiers dans la politique de multiculturalisme. Même si celle-ci ne contredit pas en principe la dualité linguistique, la diversité raciale et culturelle croissante du Canada pourrait porter atteinte à la dualité linguistique et à la prédominance du français au Québec. Il est intéressant de noter qu'il existe maintenant en Ontario deux associations multiculturelles qui se disent de langue française;

- au pluralisme social et culturel s'ajoutent des facteurs économiques qui pourraient agir comme forces centrifuges. Le libre-échange avec les États-Unis, qui semble n'avoir été que le prélude à une plus grande globalisation des échanges dans toute l'Amérique du Nord, pourrait être un puissant facteur de continentalisation, c'est-à-dire d'uniformisation des goûts, des modes et des attitudes. La dualité linguistique, trait distinctif du Canada, pourrait également en souffrir, mais la participation éventuelle du Mexique pourrait continuer à faire de ce continent un ensemble plurilingue dont il faudrait alors exploiter la cohabitation avec la langue anglaise de deux autres langues à vocation nettement internationale;

- de manière plus générale, l'identité nationale pourrait être touchée en raison de l'éclatement des cadres et des schèmes canadiens. L'affaiblissement de certaines institutions fédérales, et donc bilingues, qui assurent la permanence de ce qu'est le Canada — Radio-Canada, Via Rail, Pétro-Canada, certains aéroports, etc. — vient également compliquer la situation. N'oublions pas l'envahissement massif de la culture et des médias canadiens par nos voisins américains. Le fait que l'on n'ait même pas songé à l'origine à exempter certains secteurs de la taxe sur les produits et services, l'édition notamment, en dit long sur les périls qui nous entourent. On peut ainsi avoir une meilleure idée des ferments d'affaiblissement de la psyché canadienne.

Tous ces facteurs ont entraîné la création d'une société pluraliste. Ils ont également fait naître un sentiment d'angoisse au sein de certains segments de la population. Devant ces changements qui bousculent bien des habitudes, sinon des certitudes, des mouvements de protestation et de contestation ont vu le jour. La loi du changement est cependant universelle; il suffit de savoir s'y *adapter* et préserver nos traits distinctifs.

Pour ce qui est de la dualité linguistique, la contestation s'est exprimée surtout au cours des deux ou trois dernières années au sein de partis politiques, comme le Reform Party dans l'Ouest et le Confederation of Regions Party, que l'on retrouve surtout dans les Maritimes. Ces partis s'appuient sur des groupes de pression bien organisés particulièrement enracinés en Ontario dont le coup d'éclat a été la crise

des municipalités unilingues du début de 1990. Cette crise est née de sombres et anciens préjugés voulant qu'il y ait une domination française, pourtant bien improbable. Ces mouvements ont leur pendant au Québec, avec des justifications et une dialectique différentes, chez ceux qui croient que la dualité est un cheval de Troie destiné à abattre la langue française et à détruire l'identité québécoise. L'action fédérale s'est soldée — comme on a pu en juger — par des résultats imparfaits, mais des plus positifs pour la langue française.

Les adversaires de la dualité linguistique avancent souvent la question des « coûts du bilinguisme » et fournissent à ce propos des chiffres non fondés. Il suffit ici de mentionner que toutes les dépenses du gouvernement fédéral sur ses programmes de langues officielles s'élèveront en 1990-1991 à moins de 650 millions de dollars, dont un peu moins de la moitié sont versés aux provinces pour promouvoir l'éducation en langue officielle minoritaire et l'enseignement de la langue seconde. Cette somme, certes importante, représente nettement moins qu'un demi de 1 p. 100 du budget fédéral (un peu plus de six cents par Canadien par jour). Elle a diminué en valeur absolue au cours de la décennie; faut-il trouver scandaleux d'affecter une fraction de 1 p. 100 du budget à des programmes qui consolident un aspect fondamental de l'identité canadienne ?

De nombreux observateurs étrangers suivent avec une grande attention les progrès de notre aménagement linguistique. En général, ils y voient depuis des années un modèle original, susceptible même de servir d'exemple. Le Commissaire a pu constater lui-même ce genre de réactions lorsqu'il a expliqué à de nombreux auditoires étrangers — en Belgique comme en Hongrie, en France comme en Suisse, au Royaume-Uni et dans le monde entier par l'entremise du périodique *Language International* — les progrès de la réforme canadienne. De plus, le modèle canadien de la fonction d'ombudsman suscite un intérêt accru à l'étranger, notamment dans les pays en voie de développement.

Conclusion

Le mouvement de l'histoire est souvent fait de progrès, de malentendus, de reculs et de soubresauts. Il en est de même pour ce qui est de la révolution tranquille des langues officielles au Canada. Cette rétrospective nous a rappelé les objectifs de la réforme linguistique amorcée par la Commission B.B. dans la recherche de l'égalité entre nos deux langues nationales. Puis elle s'est efforcée de montrer les résultats obtenus, au cours des ans, par la réforme législative et administrative. Dans quelle mesure ces objectifs ont-ils été atteints et quelles conclusions peut-on en tirer ? Quel défi devons-nous encore affronter, quel partenariat devons-nous encore former, afin d'assurer la pleine reconnaissance de la dualité linguistique canadienne ?

a) La reconnaissance de l'égalité du français et de l'anglais au sein des institutions fédérales, notamment au Québec et dans la région de la capitale nationale.

Au fil des ans, le gouvernement fédéral a cessé d'être un gouvernement « linguistiquement étranger » pour les francophones et au premier titre pour les Québécois. Ce n'est que justice, mais il faut aussi se rappeler que c'est un succès qui avait longtemps semblé hors d'atteinte. En outre, les politiques fédérales en matière de langues officielles, dans leur promotion de l'égalité, ont facilité l'épanouissement du français au Québec et au Canada, contrairement à ce que d'aucuns croient.

Au Québec, on ne se pose plus la question de savoir si les services fédéraux en français sont disponibles (ce qui était loin d'être le cas avant la *Loi sur les langues officielles* de 1969) et c'est le français qu'on utilise normalement comme langue de travail dans la fonction publique fédérale. Le gouvernement fédéral s'est également intéressé à l'utilisation du français dans les travaux scientifiques et techniques et dans l'informatique au sein de l'administration. Quant à la participation des francophones dans les institutions fédérales au Québec, le succès est tel qu'il y a amené une importante et regrettable sous-représentation de la communauté anglophone. Enfin, en participant à une foule d'initiatives aussi variées que la mise sur pied de banques terminologiques spécialisées, le financement de TV-5 et le Sommet de la francophonie, le gouvernement fédéral a cherché à consolider les assises linguistiques et culturelles du français dans l'ensemble du pays, mais plus particulièrement au Québec.

Le renouveau au sein de l'appareil fédéral s'est principalement manifesté au cours des années 1970, et cela surtout au Québec — le faible nombre de plaintes que nous en recevons en atteste — et dans les administrations centrales des institutions fédérales situées dans la RCN. Des progrès non négligeables ont été réalisés au cours des années 1980 en ce qui a trait à la prestation de services bilingues et à ce qu'on pourrait appeler certains aspects critiques de la machine fédérale. Sur ce plan, et sur bien d'autres aspects de la mise en œuvre de la Loi, on aurait tout de même pu aller plus vite et plus à fond. De 1982 à 1988, nous avons réclamé, comme bien d'autres, un renouveau législatif et administratif du régime linguistique, renouveau que nous jugions indispensable à l'idéal d'égalité des deux langues proclamé dans la *Charte*. Une nouvelle Loi fut adoptée à l'été 1988, mais les retards dans sa mise en œuvre mettaient toujours en péril le renouveau souhaité. Ce n'est qu'en 1990 que nous assistons à un « dégel partiel ». C'est moins que nous aurions souhaité, mais beaucoup mieux que rien du tout. L'effort devra être poursuivi sur tous les plans mais plus particulièrement en ce qui a trait à la langue de travail et à certains déséquilibres en matière de représentation des membres des deux communautés linguistiques dans les institutions fédérales.

Année après année, conformément à notre mandat, nous faisons l'analyse des faiblesses qui subsistent dans la mise en œuvre intégrale de la Loi. Nous ne manquons pas d'évaluer aussi la détermination avec laquelle le chef d'orchestre qu'est le Secrétariat du Conseil du Trésor tente de faire pleinement observer cette loi dans les institutions fédérales. Si nos recommandations ne sont pas

toujours suivies, nos conclusions sont rarement contestées. Conscients de nos activités, certains s'interrogeront sur l'écart apparent entre nos critiques annuelles et le bilan plutôt positif que présente ce chapitre. Le paradoxe n'est qu'apparent. Nos évaluations sont des points de repère servant à apprécier une évolution de longue durée qui a connu des hauts et des bas mais dont le mouvement général a été nettement positif.

b) La protection et l'épanouissement des minorités de langue officielle partout au pays.

Animés par la réforme fédérale en matière de langues officielles, certains gouvernements provinciaux et de nombreuses administrations locales ont cherché, à des degrés divers, à assurer la protection et l'épanouissement de leurs communautés minoritaires de langue officielle ainsi que la reconnaissance de l'égalité de statut du français et de l'anglais comme langues nationales. Nous avons vu que la réforme du régime linguistique a sérieusement contribué — d'une manière indirecte, par l'élan qu'elle a donné, mais aussi directement, en soi — à consolider la situation des grandes communautés de langue officielle en Ontario, au Québec et au Nouveau-Brunswick et qu'elle a apporté un soutien important (éducation, services essentiels, médias, développement communautaire) aux autres groupes de moindre importance numérique. La partie est loin d'être entièrement gagnée, mais en moins d'une génération les progrès dans de nombreux secteurs ont dépassé de beaucoup les attentes les plus optimistes de la plupart des membres de la Commission B.B. Cette longue évolution de nos minorités de l'égalité théorique à l'égalité pratique a d'ailleurs constitué l'une des trames centrales des récents débats linguistiques.

c) La reconnaissance de l'existence au Québec « d'une société francophone distincte » puis, après l'adoption de la Charte de 1981-1982, la réintégration du Québec au sein du giron constitutionnel.

L'accélération de l'histoire a voulu que le débat sur la société distincte vive une nouvelle situation de crise au cours des deux dernières années. Nous avions cru, comme bien des Canadiens, que l'Accord du lac Meech, en confirmant le caractère distinct du Québec, consoliderait son appartenance à l'ensemble canadien. L'Accord a échoué et, malgré de nombreux accommodements politiques au fil des ans, la question de la reconnaissance de l'identité québécoise dans la Constitution demeure entière. La crise que nous vivons nous appelle à redoubler d'ardeur dans la recherche de nouvelles options ou de nouveaux aménagements qui répondraient à cet objectif, fondamental selon nous, à savoir la pleine reconnaissance de la dualité linguistique dans toutes ses dimensions. Comme dit le proverbe chinois : « Quand on a dix pas à faire, neuf n'est que la moitié du chemin ». Il ne faut cependant pas désespérer de trouver une solution compatible avec le maintien et l'épanouissement de ce pays qui offre tant à ses citoyens.

d) L'harmonisation des rapports entre francophones et anglophones.

Des millions de Canadiens, tant francophones qu'anglophones, croient toujours — nous en sommes convaincus — en la possibilité d'un cheminement collectif vers la pleine reconnaissance de la dualité linguistique qui comprendrait pour le Québec les garanties nécessaires afin de lui assurer la protection qu'il recherche pour sa langue, sa culture et son identité... et pour les minorités de langue officielle de meilleures conditions pour leur plein épanouissement. L'appui à cette vision du Canada s'est confirmé jusqu'ici de sondage en sondage. Il se manifeste concrètement, comme nous l'avons vu, par une multitude de mesures législatives et administratives adoptées au cours de cette décennie en vue de consolider la prestation de services bilingues dans les secteurs public, privé et bénévole et par le désir très vif d'un grand nombre de parents d'assurer à leurs enfants une bonne connaissance de leur seconde langue officielle.

La réforme linguistique a renforcé et élargi les droits individuels et les protections collectives de tous les Canadiens. Pour ce qui est de la *Loi sur les langues officielles* de 1988, le défi actuel est de traduire rapidement et plus efficacement dans les faits l'intention du législateur. L'ambitieuse expérience linguistique canadienne nous semble se comparer très favorablement, tant par son ampleur que par sa rapidité de mise en œuvre, à toute initiative semblable ailleurs au monde. Malgré certaines manifestations à contre-courant, les progrès des années 1980 sont loin d'être négligeables : progrès majeurs dans le domaine législatif, dans celui de l'instruction en langue de la minorité, dans l'enseignement de la langue seconde (grâce notamment à l'immersion en français et à l'étude de l'anglais au Québec), dans l'établissement de la prépondérance du français comme langue de travail et de communication au Québec et enfin, progrès non moins remarquable, dans la faveur généralement croissante qu'a connue à travers le Canada la dualité linguistique dans l'opinion publique. Ce n'est pas un mince palmarès. Mesurée à l'aune de l'histoire, la réforme du régime linguistique canadien se situe dans le droit fil d'une tradition humaniste et elle honore tous ceux qui y participent.

Nous sommes arrivés à un grand tournant. Le défi vient, pour les raisons que l'on sait, surtout mais non pas exclusivement du Québec. Quels que soient les choix constitutionnels de l'avenir, ces vingt années de réalisations linguistiques demeureront au tableau d'honneur des citoyens et des dirigeants du Canada. Comme nous l'écrivions ailleurs, notre passé, notre présent et notre avenir sont marqués au coin des langues, que cela nous plaise ou non. Nous formons donc le vœu que l'on n'oublie à aucun moment dans le débat actuel ce que nous avons su accomplir ensemble et que nous en profitions pour renforcer les garanties à notre dualité linguistique et la protection des droits des communautés francophones et anglophones en situation minoritaire. Si nous pouvons réaliser cette vision commune du pays, nous lèguerons à nos enfants un immense trésor spirituel et humain.

PARTIE I

Panorama 9(

1. Affaires d'État : destination inconnue

À l'instar de Thésée, nos lecteurs auront peut-être besoin d'un fil pour les guider à travers ce chapitre synoptique de ce qu'il faut bien appeler notre volumineux *Rapport annuel 1990*. Tentons donc de leur simplifier les choses. Ce chapitre est divisé en cinq parties. La première considère les droits linguistiques comme une caractéristique de la réforme constitutionnelle de « l'après-Meech », passe en revue les réalisations essentielles de la politique des langues officielles et se termine par nos propositions en matière de garanties constitutionnelles sur les langues officielles. La deuxième partie fait le bilan des principales questions linguistiques qui ont fait la manchette en 1990 à l'échelle nationale. Notre synthèse du travail accompli par les principaux acteurs de la scène fédérale dans la mise en œuvre de la *Loi sur les langues officielles* constitue la troisième partie de ce chapitre. La quatrième traite du développement de nos minorités et de la promotion de nos langues officielles dans la société canadienne. Enfin, nous faisons le point sur le sort réservé aux 60 recommandations que nous avions émises dans notre *Rapport annuel 1988*.

a. Les droits linguistiques et la réforme constitutionnelle

Destination inconnue

Les Canadiens, et plus particulièrement les Québécois, s'interrogent une fois de plus sur leur identité, sur leur aptitude à vivre ensemble. La crise actuelle est, sous de nombreux aspects, plus profonde et menaçante qu'il y a vingt-cinq ans, lorsque la Commission royale d'enquête sur le bilinguisme et le biculturalisme a été mise sur pied. Jusqu'à présent, les droits linguistiques ont occupé peu de place dans le débat général. Pourtant, la façon dont ce problème est envisagé peut constituer un élément clé dans notre choix de vivre ensemble… ou séparés. Nous naviguons vers une destination inconnue, notre goût de l'aventure refroidi par la crainte des écueils qui pourraient surgir, et sur lesquels notre pays pourrait s'échouer.

Accord du lac Meech

En avril 1990, le Commissaire aux langues officielles a comparu devant le Comité spécial de la Chambre des communes chargé d'examiner le projet d'accompagnement à l'Accord du lac Meech du premier ministre McKenna. À cette occasion, il a réaffirmé qu'il était favorable à la reconnaissance du Québec

comme société distincte et aux clauses linguistiques de l'Accord. Il a toutefois recommandé que l'on inscrive dans la Constitution, en temps opportun, les rôles du Parlement et du gouvernement canadien, non seulement en ce qui a trait à la protection, mais aussi à la promotion de la dualité linguistique dans son domaine de compétence. À ses yeux, une telle disposition ne viendrait que confirmer les pratiques courantes, déjà reconnues par la *Loi sur les langues officielles* de 1988. Le Commissaire a également suggéré que le paragraphe 16(3) de la *Charte* (qui prévoit spécifiquement une progression vers l'égalité de statut ou d'usage du français et de l'anglais au Canada) fournisse un cadre à la participation des provinces, dans leurs champs de compétence. Cette participation est essentielle au développement des communautés minoritaires. Il a laissé entendre que les solutions proposées par les gouvernements provinciaux pour résoudre les problèmes linguistiques de nos minorités devraient s'appuyer sur des dispositions communes, adaptables aux réalités de chaque province. Cette idée semble toujours valable.

Lors de cette réunion, le Commissaire a également accueilli favorablement le projet du Nouveau-Brunswick d'insérer dans la Constitution les principes de sa loi 88 sur l'égalité de ses deux communautés linguistiques.

Le Nouveau-Brunswick a adopté cet amendement à la *Loi constitutionnelle de 1867* (nouvel article 133A). Le 13 juin dernier, une proposition semblable d'amendement de la Constitution a été inscrite à l'ordre du jour de la Chambre des communes, où elle a langui, bien inutilement à notre avis puisque ce changement ne requiert plus que l'accord d'Ottawa. Nous espérons, avec les résidents du Nouveau-Brunswick, que cet amendement sera bientôt soumis au vote, ce qui confirmerait, à point nommé, la confiance des Canadiens dans l'avenir des minorités linguistiques et, plus généralement, dans la dualité linguistique.

Mais l'Accord du lac Meech est mort. Les autopsies menées depuis ont diagnostiqué quelques-unes des causes de son trépas, dont notre intraitable formule d'amendement de la Constitution n'est pas la moindre. Le délai de trois ans prescrit pour la ratification par chacune des provinces assure pratiquement l'échec de tout amendement controversé. Nous avons calculé qu'au cours des quinze dernières années, il y a eu en moyenne neuf élections fédérales ou provinciales pour chaque période de trois ans, le tiers de ces élections ayant amené un changement de gouvernement[1]. Ce n'est donc pas par hasard si l'opposition de principe à l'Accord du lac Meech est venue de trois provinces (Nouveau-Brunswick, Manitoba, Terre-Neuve) qui avaient élu de nouveaux gouvernements après la conclusion de l'Accord (le Nouveau-Brunswick a ensuite voté en sa faveur). Analysant l'histoire de l'Accord du lac Meech sous cet angle, un observateur impartial aurait pu conclure que blâmer le Canada anglais pour son échec

[1] Voir *Langue et Société*, nº 31, p. 9.

était aussi erroné que de prétendre, bien que dans des circonstances différentes, que le Québec était seul responsable de la ratification de l'Accord de libre-échange. Les Canadiens n'ont voté dans aucun référendum sur ces questions. En revanche, ils ont voté lors d'élections qui regroupaient une grande variété de questions et d'opinions.

Nous n'avons pour l'instant aucune idée précise de ce que sera notre avenir constitutionnel, ni de ce qui remplacera le défunt accord. Mais nous savons que lorsque les premiers ministres, fédéral et provinciaux, se réuniront de nouveau, le tumulte à propos de l'Accord du lac Meech pourrait sembler rétrospectivement presque insignifiant. L'angoisse des Canadiens sera alors, selon toute vraisemblance, bien plus grande. C'est pourquoi ils ne permettront plus qu'on les tienne à l'écart d'un processus qui touche de si près leur avenir.

Le débat au sujet d'une nouvelle fédération est en cours et les options constitutionnelles ne manquent pas. Dans ce véritable salmigondis, on trouve d'abord des positions de base telles que le *statu quo*, un ajustement des compétences au sein de l'actuelle structure fédérale et une décentralisation générale des pouvoirs. On parle également d'une fédération asymétrique, d'une confédération de régions, de souveraineté-association, de marché commun, de superstructure et, ultime option, mais hélas ! non la moindre, d'indépendance pure et simple[2]. S'ils ajoutent à ces options fondamentales toutes les permutations et toutes les combinaisons possibles, assorties de leurs coûts économiques et sociaux, les *aficionados* des questions constitutionnelles et les juristes doivent avoir le souffle coupé par l'accumulation des possibilités. Tout ceci serait presque amusant si le problème n'était pas aussi grave. Savoir que même une superpuissance comme l'Union soviétique fait face à des choix d'égale difficulté, aux conséquences incalculables, ne réconforte guère.

Toutes les thèses sur notre avenir font présentement l'objet de discussions devant plus d'une demi-douzaine de commissions, de forums et de comités auxquels d'autres pourraient venir s'ajouter. La plupart de ces commissions ont, comme celle sur l'avenir politique et constitutionnel du Québec, annoncé leur intention de prendre en compte, au cours de leur enquête, le rôle particulier que jouent leurs minorités de langue officielle. Mais jusqu'ici, aucune proposition précise n'a été avancée sur la place de la dualité linguistique dans l'équation constitutionnelle à venir. À vrai dire, plus d'un semble prêt à jeter le bébé avec l'eau du bain et affirme, entre autres, que la politique du Canada en matière de langue a échoué. Est-ce vraiment le cas ?

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[2] La brochure publiée par le Conseil pour l'unité canadienne en novembre 1990 et intitulée *Le passé et l'avenir : les projets de réforme constitutionnelle antérieurs au lac Meech et leur pertinence après juin 1990* constitue un recueil utile des options constitutionnelles actuelles.

Réalisations majeures de la politique des langues officielles

De nombreux signes montrent encore que les Canadiens gardent au fond d'eux-mêmes l'esprit de la Commission B.B. Il suffit d'énumérer les réalisations majeures accomplies surtout depuis vingt ans en matière linguistique, tout en reconnaissant du même coup qu'il y a eu des obstacles et des revers. Les objectifs atteints, bien qu'ils soient imparfaits, ne sont pas le fruit d'une politique doctrinaire imposée à la majorité par une minorité, mais le résultat d'efforts importants et volontairement consentis par la plus grande partie des Canadiens :

- le droit d'utiliser le français ou l'anglais dans les débats et les procédures du Parlement et dans plusieurs assemblées législatives provinciales (ou territoriales);
- l'usage du français et de l'anglais dans les lois, les comptes rendus, les journaux du Parlement et dans plusieurs assemblées législatives provinciales (ou territoriales);
- le droit d'utiliser le français ou l'anglais dans les procédures criminelles partout au Canada;
- le droit de bénéficier de services fédéraux en français ou en anglais là où la demande le justifie;
- le droit, pour les fonctionnaires fédéraux, de travailler en français ou en anglais dans certaines régions désignées;
- une participation à peu près équitable des Canadiens francophones et anglophones au sein de l'ensemble des institutions fédérales (c'est-à-dire les ministères, les organismes et les sociétés d'État);
- une région de la capitale nationale qui reflète mieux, quoique encore imparfaitement, la présence des deux communautés linguistiques;
- l'accès à des programmes de radio et de télévision en français et en anglais dans tout le Canada;
- le droit à l'instruction dans la langue de la minorité dans toutes les provinces et dans les territoires;
- l'intégration, au Nouveau-Brunswick, de droits linguistiques dans la Constitution et la reconnaissance de l'égalité de ses deux communautés linguistiques;
- l'enseignement de la langue seconde à une majorité d'enfants de langues française et anglaise et l'enseignement par immersion pour plus de 7 p. 100 d'enfants anglophones;

- un système croissant d'appui fédéral-provincial pour nos minorités de langue officielle;

- le droit à des services provinciaux en français dans certaines régions désignées en Ontario;

- la prestation de services sociaux et de santé en français et en anglais dans quelques provinces et territoires;

- l'emballage et l'étiquetage bilingues des produits dans tout le Canada (finalement considérés comme normaux);

- un éventail élargi de services offerts en français et en anglais par les secteurs privé et bénévole;

- un encouragement réel à l'apprentissage du français et de l'anglais langues secondes;

- un meilleur équilibre des efforts déployés pour favoriser l'intégration des immigrants aux deux communautés linguistiques;

- des efforts concertés pour protéger et défendre, dans certaines régions, la plus fragile de nos langues officielles, le français, et renforcer son statut au Canada et à l'étranger;

- de plus grands efforts de la part des médias nationaux pour présenter l'envers de la médaille linguistique;

- par-dessus tout, et en dépit de manifestations occasionnelles d'intolérance, le soutien d'une majorité de Canadiens à la dualité linguistique, soutien qui va croissant au fil des ans comme le démontrent de nombreux sondages d'opinion.

L'enseignement à tirer de cette énumération est assez clair. Un si grand progrès dans un laps de temps si court est en soi un succès considérable. Il fournit une preuve évidente de notre capacité, comme peuple, de relever les défis et de nous adapter pour survivre et croître ensemble au sein de notre pays. Ces deux points plaident aussi en faveur de la reconnaissance d'une réforme linguistique comme élément central de la réforme constitutionnelle. La dualité linguistique demeure au cœur de notre sentiment national.

Ce progrès est aussi le symbole de nos valeurs démocratiques, de notre foi en la tolérance et la justice. Notre dualité linguistique porte avant tout sur le respect et sur la dignité humaine, sur la liberté pour les communautés francophones et anglophones du Canada de vivre dans leur langue maternelle, partout où cela est

possible, avec l'aide de leurs gouvernements. Elle signifie aussi pouvoir se mêler à l'autre groupe linguistique, travailler ensemble pour le bien de tous. Ne s'agit-il pas là d'un idéal noble et réaliste ? Peut-être n'avons-nous pas trop, mais trop peu, reconnu notre dualité linguistique et ce, depuis trop peu de temps. Avons-nous vraiment mis toute l'énergie voulue pour arriver à un consensus ? À moins que le pire ne se produise, les problèmes linguistiques continueront à faire partie de ce que nous sommes, aussi sûrement que la neige en hiver. Faute de se doter d'une réelle vision de l'avenir, nous acculerons notre pays à l'échec. Trop souvent, nous voyons l'existence simultanée au Canada de deux des langues les plus parlées dans le monde comme un problème plutôt que comme un atout, comme une source d'irritation et non de fierté.

Nous considérons, avec des millions de Canadiens, que le statut de nos langues officielles doit rester, et restera, un sujet de préoccupation dans toute discussion portant sur la réforme constitutionnelle. Sans consensus sur les principes et les dispositions pratiques qui permettraient l'épanouissement de nos deux langues officielles et des populations qui les parlent partout au Canada, il est difficile d'envisager le fondement d'un accord sur un nouveau partage des pouvoirs. En examinant la viabilité des solutions de rechange à notre gestion actuelle de ces problèmes, nous pourrions découvrir que notre système, avec ses revers et ses hésitations, fonctionne aussi bien, sinon mieux, que n'importe quel autre jamais mis à l'épreuve. Somme toute, nous n'avons atteint que difficilement l'équilibre actuel, imparfait mais de plus en plus efficace, entre les rôles fédéral et provincial en matière de politique linguistique. Cet équilibre est né des nécessités politique, sociale et économique et parce qu'il constituait la meilleure façon de préserver des droits historiques dans les circonstances du moment; le combat pour notre politique linguistique a été mené et gagné par ceux qui croyaient en un avenir commun.

Plusieurs sondages d'opinion réalisés en 1990 à l'échelle du pays indiquent un fort courant favorable à la politique linguistique du Canada. Celui mené en février par la firme Angus Reid montre que 64 p. 100 des personnes interrogées soutiennent le bilinguisme officiel. Au moins 80 p. 100 d'entre elles croient en l'égalité de statut du français et de l'anglais au Canada. En mai, un sondage mené par Environics, le *Toronto Star* et le réseau CTV révèle que 72 p. 100 des Canadiens estiment que leur pays doit avoir deux langues officielles. Un autre sondage réalisé en juillet par Canadian Facts, pour le compte du réseau anglais de Radio-Canada et du *Globe and Mail*, après l'échec de l'Accord du lac Meech, signale que 65 p. 100 des Canadiens croient que le gouvernement fédéral devrait offrir un service au public en français et en anglais sur tout le territoire. Quelque 66 p. 100 déclarent également qu'ils préfèrent le bilinguisme officiel du Canada à la solution d'un Québec francophone, avec l'anglais comme seule langue officielle en dehors du Québec. Beaucoup de gouvernements adoreraient bénéficier d'un tel soutien populaire. Poussés par les Québécois francophones — et

anglophones — et par les jeunes de toutes les provinces, les Canadiens ont continué à soutenir notre politique de langues officielles dans les bons comme dans les mauvais moments.

Paradoxalement, le succès de la *Loi sur les langues officielles* a été tel dans la plupart des institutions fédérales qu'il a, pour ainsi dire, fait oublier aux Québécois francophones leur mécontentement initial au sujet des services fédéraux. Nous ne pouvons cependant prétendre à leur reconnaissance pour avoir réussi tardivement ce qui aurait dû être normal dès le début. Avant la promulgation de la *Loi sur les langues officielles* de 1969, il était loin d'être acquis, même au Québec, que les services fédéraux étaient toujours offerts en français. Tous les problèmes n'ont pas été résolus, mais peu de gens soutiendraient que la situation actuelle n'est pas radicalement différente.

Comme nous le montrerons ultérieurement dans ce rapport (voir Partie II, chapitre 4), les répercussions de la Loi ont été tout aussi décisives en ce qui a trait au droit des 50 000 employés fédéraux du Québec d'utiliser le français comme langue de travail. En tant que deuxième employeur en importance au Québec, le gouvernement fédéral a largement contribué à l'utilisation du français dans la province, sans pour autant menacer sérieusement le droit des anglophones d'utiliser leur langue. En ce qui concerne la place des francophones dans la fonction publique fédérale du Québec, les changements ont été tels que se pose maintenant le problème de la sous-représentation évidente de la communauté anglophone dans les ministères fédéraux, situation que nous avons dénoncée à plusieurs reprises.

Objectivement, on ne peut non plus accuser la politique linguistique fédérale d'avoir entravé le plein épanouissement du français au Québec. Il faut reconnaître que la Cour suprême a abrogé plusieurs dispositions de la *Charte de la langue française*, dont les dernières sur l'affichage et la publicité. Mais dans ce cas, la Cour a néanmoins considéré qu'on pouvait exiger que le français prédomine nettement sur toute autre langue. En fait, presque tous les articles essentiels de la législation provinciale ont été maintenus lorsqu'on a rétabli la garantie constitutionnelle des droits de la langue anglaise. Peut-on croire sérieusement qu'offrir des services fédéraux en anglais (ou des services provinciaux en l'occurrence) dans certaines régions du Québec entraînera l'anglicisation de sa population francophone ?

Le gouvernement fédéral a maintes fois collaboré avec celui du Québec à promouvoir le rayonnement du français, notamment en participant à divers projets culturels d'envergure comme le financement de la chaîne TV-5 ou le Sommet de la francophonie. Le gouvernement fédéral a également favorisé l'usage du français dans les domaines scientifique et technique, non seulement en contribuant aux progrès notables réalisés en matière de terminologie, mais aussi en créant des organismes tels que le Centre canadien de recherche sur l'informatisation du travail à Laval et l'Institut Maurice-Lamontagne à Mont-Joli. D'ailleurs,

son engagement en faveur de la plus fragile des deux langues officielles déborde largement les frontières du Québec. Par son aide directe et indirecte aux communautés francophones du pays dans les secteurs de la culture, de l'éducation et du développement social, le gouvernement fédéral a consolidé la position du français en Amérique du Nord et ailleurs. Loin d'être « des cadavres encore chauds », selon l'expression d'un auteur québécois réputé qui aurait dû en choisir une plus judicieuse, les francophones hors Québec (près de 20 p. 100 de tous les Canadiens d'expression française) sont en grande majorité consommateurs de la langue française et de ses produits culturels.

Cette « équation » linguistique doit également tenir compte des quelque 1,3 million d'anglophones qui, guidés par la jeune génération, se sont convertis au bilinguisme. Envisagée sous cet angle, l'accusation selon laquelle la politique fédérale mènerait de façon insidieuse à l'assimilation des Québécois francophones est aussi ridicule que la proposition inverse voulant qu'elle sert de levier aux francophones pour saisir le pouvoir au Canada. Quel complot ! Quelle conquête ! La journaliste Lysiane Gagnon a résumé, il y a quelque temps déjà, l'importance des initiatives fédérales :

> « On peut dire au contraire que tout ce qui favorise l'épanouissement de la langue française, où que ce soit en Amérique, est bon en soi pour l'avenir du Québec francophone. On peut dire, comme les dirigeants du Collège de Saint-Boniface me le répétaient récemment, que les anglophones qui apprennent le français comme langue seconde "deviennent nos alliés naturels". On peut dire qu'à l'heure où les Québécois craignent de "disparaître", ils auraient bien tort d'ignorer ce million de francophones qui partagent la même langue et la même culture. On peut dire que même un Québec souverain devrait conclure avec le Canada anglais des ententes concernant la protection des minorités.
>
> On peut dire, en un mot, qu'il est suicidaire, quand on est un petit peuple, d'entretenir à plaisir des querelles de juridiction dans le domaine de la langue, et que les Québécois ont intérêt à avoir à la fois la loi 101 et la loi fédérale sur les langues officielles, même si, théoriquement, ces deux lois semblent inconciliables, voire conflictuelles. Il s'agit tout simplement de ménager, pour le français, une protection maximale, "mur-à-mur"[3]. »

Nous sommes les premiers, comme vérificateurs de leur rendement linguistique, à reconnaître que les organismes fédéraux manquent parfois à leur parole en ce qui a trait à la réforme linguistique. Nous savons fort bien que la défense du français en Amérique du Nord met aux prises deux adversaires de taille inégale. Il n'existe aucune solution toute faite. Cependant, nous restons convaincus que le gouvernement fédéral continuera de déployer tous les efforts nécessaires pour donner au français la place qui lui revient au Québec, au Canada et dans le monde.

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[3] Lysiane Gagnon, *La Presse*, 21 novembre 1989, p. B3.

Principes et dispositions pratiques

Depuis la Commission B.B., les commissions nationales, les groupes de travail et les comités chargés d'étudier les problèmes constitutionnels ont admis, d'une façon ou d'une autre, qu'une plus grande égalité linguistique était la condition de n'importe quelle option réformatrice viable. Cependant, ils ont aussi convenu que la question de la reconnaissance du Québec comme société distincte devait être traitée séparément. En même temps, plusieurs parmi nos personnalités politiques éminentes, pensaient sincèrement qu'accentuer et formaliser davantage l'égalité linguistique suffiraient à l'affaire. Beaucoup d'autres n'étaient pas de cet avis, plaidant en faveur de mesures spécifiques qui répondraient aux besoins du Québec.

Les Canadiens et les Québécois affrontent aujourd'hui un curieux paradoxe. Objectivement, le statut du français au Québec et au Canada n'a jamais été plus solide. Le nombre de francophones dans la province et dans le pays continue d'augmenter lentement, en chiffres absolus, mais dans une proportion moindre que la population canadienne, compte tenu de l'immigration peu élevée. Malgré tout, face à un faible taux de natalité et à l'influence toujours plus forte de l'anglais en Amérique du Nord et dans le monde, les francophones du Québec et des autres provinces s'inquiètent vivement de la fragilité de leur langue et de leur culture. Ils craignent d'atteindre rapidement un point de non-retour si des mesures énergiques ne sont pas prises. Cette perception de leur avenir, et plus généralement de la viabilité économique et sociale du Québec au sein du Canada, a conduit un nombre croissant de Québécois francophones à remettre en question ou à renier leur appartenance au Canada. Beaucoup veulent un nouveau Canada. D'autres choisissent une solution plus radicale : la souveraineté, avec ou sans association. Il s'agit maintenant de savoir si un accord sur des principes et des dispositions pratiques est encore possible entre le Québec et le Canada, ou si leurs positions sont inconciliables. Avons-nous un terrain d'entente ? Héritiers de la même géographie, d'une histoire partagée et de principes démocratiques communs, sommes-nous incapables de nous entendre sur un certain nombre de valeurs fondamentales et d'objectifs sociaux qui profiteraient à tous ?

Le philosophe Jacques Maritain a raconté un jour comment, à une réunion de l'UNESCO, des personnes de convictions radicalement différentes avaient réussi à s'entendre sur un projet de liste de droits.

> « Comment », demandais-je, « un accord de pensée est-il concevable entre des hommes rassemblés pour une tâche d'ordre intellectuel à accomplir en commun et qui viennent des quatre coins de l'horizon, et qui n'appartiennent pas seulement à des cultures et à des civilisations différentes, mais à des familles spirituelles et à des écoles de pensée antagonistes ?... Parce que la finalité de l'UNESCO est une finalité pratique, l'accord des esprits peut s'y faire spontanément, non pas sur une commune pensée spéculative, mais sur une commune pensée pratique, non pas sur l'affirmation d'une même conception du monde, de l'homme et de la connaissance, mais sur l'affirmation

> d'un même ensemble de convictions dirigeant l'action. Cela est peu sans doute, c'est le dernier réduit de l'accord des esprits. C'est assez cependant pour entreprendre une grande œuvre, et ce serait beaucoup de prendre conscience de cet ensemble de communes convictions pratiques[4]. »

Si tous les Canadiens acceptaient d'affirmer un « même ensemble de convictions dirigeant l'action » ou un « ensemble de communes convictions pratiques », peut-être découvriraient-ils de très nombreuses raisons de rester unis dans le même pays. Nous pourrions, par exemple, nous demander d'abord ce que nous souhaitons pour nos enfants et quel est le meilleur moyen d'atteindre notre but. Si nous avons le courage de penser seulement à l'avenir et à ce qu'il faut faire pour l'améliorer au profit de tous, nous devrions finir par trouver la sortie du labyrinthe constitutionnel. Nous pourrions en particulier nous interroger sur la formulation des principes et des dispositions pratiques ayant trait à la dualité linguistique et aux droits des minorités de langue officielle. De notre position privilégiée d'observateur, nous avons tiré les propositions suivantes concernant les garanties constitutionnelles des langues officielles.

Propositions pour les garanties constitutionnelles des langues officielles

Le Commissariat s'est toujours intéressé aux aspects linguistiques de la Constitution et à sa réforme, surtout par rapport au statut des langues officielles et au droit des minorités linguistiques de faire instruire leurs enfants dans leur langue, à même les fonds publics. En 1980, le Commissaire d'alors, Maxwell Yalden, présenta un rapport sur le sujet au Comité mixte spécial sur la Constitution du Canada. D'ailleurs, les droits linguistiques insérés dans la *Charte canadienne des droits et libertés* et l'expérience acquise lors de leur mise en œuvre constituent le fondement de la nouvelle *Loi sur les langues officielles*, votée en juillet 1988. Les parties I à V de cette loi priment sur les autres lois fédérales (excepté la *Loi canadienne sur les droits de la personne*). Finalement, la décision rendue en 1988 par la Cour suprême dans l'affaire *Mercure* signale que les droits linguistiques « constituent un genre bien connu de droits de la personne et devraient être abordés en conséquence ».

Trois sortes de dispositions concernant les langues sont enchâssées dans la Constitution du Canada : 1) celles exposées à l'article 133 de la *Loi constitutionnelle de 1867*, qui traitent du droit d'utiliser le français et l'anglais dans les débats et les travaux du Parlement et de la législature du Québec, de l'obligation d'utiliser les deux langues dans les lois, les comptes rendus et les journaux du Parlement canadien et de l'Assemblée nationale du Québec, enfin de l'usage du français et de l'anglais dans les cours fédérales et québécoises; 2) des dispositions similaires inscrites dans l'article 23 de la *Loi de 1870 sur le Manitoba*, et applicables à l'Assemblée législative et aux tribunaux du Manitoba; 3) celles figurant aux articles 16 à 20 de la *Charte canadienne des droits et libertés*. Le bilinguisme fédéral et au Nouveau-Brunswick (sur le plan législatif, judiciaire et parlementaire)

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[4] Jacques Maritain, *L'homme et l'État*, Presses universitaires de France, 1953, p. 70-71.

est enchâssé dans la *Charte*. Un problème particulier se présente en ce qui concerne les inégalités dans le traitement réservé au bilinguisme officiel au niveau provincial. On se souviendra que la Commission de l'unité canadienne (Pepin-Robarts) avait préconisé (en 1979), dans un esprit de justice et d'égalité, l'idée d'éliminer l'article 133 et d'inviter les provinces à assurer par législation une protection appropriée de leurs minorités respectives. L'autre possibilité serait de prévoir dans la Constitution canadienne diverses catégories de droits linguistiques dont certains seraient proposés à l'ensemble des provinces. Nous avions recommandé cette solution au Comité mixte spécial sur la Constitution du Canada en 1980.

La *Charte* garantie également le droit de communiquer et de bénéficier de services en français et en anglais dans les champs de compétence du gouvernement fédéral et du gouvernement du Nouveau-Brunswick, ainsi que le droit de recevoir dans chaque province et dans les territoires un enseignement dans la langue de la minorité partout où le nombre le justifie (article 23). En ce qui concerne ce dernier droit, une disposition spéciale de la *Loi constitutionnelle de 1982* reconnaît la situation particulière du Québec en prévoyant que l'entrée en vigueur de l'alinéa 23(1)*a*) (critère de langue maternelle) sera soumise à l'autorisation de l'Assemblée législative ou du gouvernement du Québec. Il est intéressant de noter que les clauses linguistiques de la *Charte* ont été jugées à ce point importantes qu'on les a soustraites de la clause « nonobstant » qui peut être utilisée, en cas de litige, pour suspendre l'application de certaines libertés fondamentales et garanties juridiques.

L'article 91 de la *Loi constitutionnelle de 1867*, toujours en vigueur, contient une liste des pouvoirs législatifs exclusifs au gouvernement fédéral, et les articles 92 et 93, une liste identique à l'échelle provinciale. Les articles 94 et 95 présentent, quant à eux, certains pouvoirs partagés par les deux paliers de gouvernement. Bien qu'il ne soit pas question de langues dans ces articles, elles constituent en droit, comme l'a confirmé une décision de la Cour suprême en 1988, un domaine de pouvoirs partagés et, de fait, un pouvoir accessoire des autres pouvoirs de chaque palier de gouvernement, excepté vis-à-vis des dispositions linguistiques énumérées plus haut.

En conséquence, tout transfert de pouvoirs entre les deux paliers de gouvernement aurait un effet direct sur certains droits linguistiques. Même si les solutions les plus extrêmes sont écartées, tout ceci ne relève pas de la simple hypothèse. Certains ont suggéré que le Québec soit entièrement dispensé de l'application de la *Charte canadienne des droits et libertés*, y compris ses dispositions linguistiques, et s'en remette uniquement, dans ce domaine, à sa propre *Charte* et à de possibles accords de réciprocité avec les autres provinces.

L'égalité de statut de nos deux langues officielles, énoncée dans la *Charte canadienne des droits et libertés* et la *Loi sur les langues officielles*, a d'abord été établie, pensons-nous, pour assurer un équilibre entre les deux langues, puisque

Position du Commissaire en matière de changements constitutionnels

le français ne bénéficiait pas de la même reconnaissance que l'anglais, ni dans les institutions publiques, ni dans la société canadienne. Ces dispositions devaient protéger les communautés minoritaires des deux langues nationales tout en reconnaissant dans le domaine de l'enseignement, et finalement dans d'autres, l'asymétrie entre la situation réelle des deux langues. Naturellement, les considérations intéressant le Canada dans son ensemble influent aussi sur les efforts déployés en faveur de l'égalité du français et de l'anglais. Il s'agit de l'enrichissement collectif que procure la symbiose de deux langues et de deux cultures, d'un statut approprié aux principales langues aborigènes, de notre héritage à la fois aborigène, multilingue et multiculturel, de la valeur et de l'attrait de deux grandes langues internationales, etc. L'engagement pris, dans la Loi, par le gouvernement fédéral de promouvoir le français et l'anglais au sein de la société canadienne constituait également un moyen d'atteindre ces buts.

Ainsi, les minorités de langues française et anglaise du Canada ont obtenu, au fil du temps et à même les fonds publics, la reconnaissance de leur langue et des services bilingues de la part du gouvernement fédéral. D'ailleurs, certaines provinces ont confirmé, sur le mode constitutionnel ou législatif et suivant des circonstances et des procédures qui leur étaient propres, leurs obligations à l'égard des droits de leurs minorités.

Dans tous les cas, pour parvenir à une égalité de droits autre que théorique, il était aussi important de reconnaître les exigences linguistiques particulières du Québec, dans certains domaines relevant de sa compétence, et dans d'autres qui touchent de près son développement, du point de vue de la langue mais aussi comme société. Voilà ce qui nous a incités à prendre, dès le début, une position favorable à l'Accord du lac Meech que les gouvernements fédéral et provinciaux ont unanimement approuvé en juin 1987.

Maintenant que les droits linguistiques des individus et des communautés qu'ils forment sont admis comme un « genre bien connu des droits de la personne », nous pensons qu'ils ne devraient pas être modifiés en cas de nouvelle division des pouvoirs, sauf dans le sens d'une amélioration. Nous avons réclamé, dans notre *Rapport annuel 1988*, des garanties constitutionnelles supplémentaires pour ces communautés. Nous avons suggéré au gouvernement fédéral de proposer aux provinces d'adopter, lors d'une conférence constitutionnelle, une formule propre à favoriser l'épanouissement des minorités de langues française et anglaise. Cette formule viserait également à réduire l'écart actuel entre le statut du français et de l'anglais au Canada, en élargissant les services offerts à ces minorités dans leur langue.

À notre avis, les principes suivants devraient s'insérer dans tout nouvel accord conduisant à une redistribution des pouvoirs ou à une décentralisation, même profonde, des pouvoirs constitutionnels et des souverainetés.

- Les deux langues nationales devraient être déclarées « caractéristiques fondamentales » du Canada en conservant leur caractère de langues officielles du pays.

- L'État central devrait continuer à reconnaître l'égalité du statut du français et de l'anglais dans tous ses organismes et dans tous les domaines relevant de sa compétence, et reconnaître qu'il a l'obligation de promouvoir cette égalité auprès de la société canadienne.

- Les deux principaux ordres de gouvernement du Canada devraient déclarer droits fondamentaux et inaliénables de la personne les droits linguistiques actuels des minorités canadiennes, y compris les droits à l'instruction dans la langue de la minorité, le droit d'employer les deux langues devant les tribunaux fédéraux et le droit partout au Canada à un procès dans sa langue en matière pénale, les dispositions constitutionnelles relatives aux langues officielles au Nouveau-Brunswick et les autres législations provinciales ou territoriales protégeant ces droits minoritaires.

- Les obligations de l'article 133 et équivalents (*Loi constitutionnelle de 1867*) relatives aux législatures, aux lois et aux tribunaux, s'appliquant au Québec et au Manitoba, ainsi qu'au Nouveau-Brunswick, s'appliqueraient aussi dorénavant à l'Ontario qui abrite la minorité francophone la plus importante de toutes les provinces, où elles ne feraient que confirmer les dispositions législatives déjà en vigueur. La loi 88 du Nouveau-Brunswick sur l'égalité des communautés serait enchâssée comme la législature de cette province en a exprimé le vœu.

- En outre, un code des minorités de langue officielle proposerait des dispositions qui tiendraient compte des besoins et des situations respectives de ces minorités en ce qui a trait à l'accès à une gamme variable de services, tels les services sociaux et de santé, certains services offerts par les administrations publiques ainsi que les services juridiques, judiciaires et carcéraux.

- Un tel code permettrait de progresser vers l'égalité en rendant non seulement possible mais souhaitable l'adhésion des provinces à ces dispositions. Les droits ainsi reconnus et librement consentis figureraient dans des actes constitutionnels que seuls le gouvernement fédéral et celui de la province intéressée pourraient ensuite amender.

Ainsi, toutes les provinces pourraient mettre fin, au moins en principe, à une double attitude qui a empoisonné les relations entre francophones et anglophones par le passé. Il s'agirait d'une modeste contribution à un arrangement entre les communautés francophones et anglophones de ce pays, reposant sur un « ensemble de communes convictions pratiques » au regard de l'action à mener. Contribution modeste certes, mais qui poserait les assises d'un engagement à travailler ensemble pour le bien de tous, lequel incluerait « les différences ».

Nous ne pensons pas qu'il soit opportun, actuellement, d'envisager la dissolution du pays, même si cette éventualité devait sembler plus proche. Des gens courageux et raisonnables ne manquent pas d'admettre que la réalité humaine de l'entité formée aujourd'hui par le Canada ne serait pas différente demain. À notre avis, il faut s'en tenir aux principes énoncés plus haut, dans toute la mesure du possible. Car, qui gagnerait à l'affaiblissement ou à la perte de communautés historiques qui ont tant contribué à la formation de notre identité, qui ont combattu avec courage et ténacité pour la reconnaissance et la protection de leurs droits ?

En novembre, 34 chefs d'État et de gouvernement des pays participant à la Conférence sur la sécurité et la coopération en Europe se sont rencontrés officiellement à Paris pour signer ce qu'il est désormais convenu d'appeler la *Charte de Paris*. Ce document énonce les principes d'une nouvelle communauté européenne. Réaffirmant leur foi en la démocratie, ces pays déclarent :

> « Nous affirmons que l'identité ethnique, culturelle, linguistique et religieuse des minorités nationales sera protégée et que les personnes appartenant à ces minorités ont le droit d'exprimer, de préserver et de développer cette identité sans aucune discrimination et en toute égalité devant la loi. »

Si ces 34 pays, qui ont des traditions et des valeurs fort différentes, peuvent s'entendre sur un « ensemble de communes convictions pratiques » touchant les droits des minorités, les instances qui ont façonné le Canada ne peuvent sûrement pas faire moins.

b. Événements et politiques

L'année 1990 passera sans doute à l'histoire comme celle de l'échec de l'Accord du lac Meech. Cependant, bon nombre d'autres questions nationales ont eu des répercussions linguistiques au cours de l'année. Dans la présente section, nous nous penchons sur quelques-uns des dossiers qui ont fait la manchette, qu'il s'agisse de la multiplication des déclarations d'unilinguisme de la part des municipalités ou de thèmes liés à l'identité nationale comme les compressions budgétaires à Radio-Canada, la relation entre bilinguisme et multiculturalisme et l'étiquetage bilingue. Nous commentons ensuite, de façon concise, le jugement de la Cour suprême sur les droits à l'instruction dans la langue de la minorité et la situation de la *Loi sur les langues officielles* des Territoires du Nord-Ouest, et offrons une description des données linguistiques provenant du recensement. Enfin, la section se termine par un compte rendu des activités du Comité mixte permanent des langues officielles.

Les municipalités unilingues

Nous avons l'habitude de voir les gouvernements fédéral et provinciaux se préoccuper des problèmes de langue, mais en 1990, même les élus municipaux ont été entraînés dans le débat linguistique. Si la question est passée à l'avant-

plan dans les premiers mois de l'année, c'est largement en raison d'une campagne orchestrée par l'Alliance for the Preservation of English in Canada (APEC). En effet, l'APEC réussit à convaincre plusieurs petites municipalités que la *Loi sur les services en français* de l'Ontario allait leur imposer l'obligation de fournir des services bilingues. En réalité, la Loi vise à assurer, dans les régions désignées, la prestation de services en français par les organismes provinciaux. Le conseil des ministres de la province peut attribuer une telle désignation à toute zone dont la population comprend au moins 10 p. 100 de francophones, ou encore à toute ville ou région dont la population francophone compte au moins 5 000 personnes. La Loi précise bien que des organismes provinciaux visés « sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales* ». Elle autorise cependant les municipalités à offrir des services en langue française. En fait, le *Rapport du groupe de travail sur les services municipaux en français*, paru en 1988, affirmait clairement que les services municipaux demeuraient des « choix locaux » en Ontario, et qu'il y a lieu de promouvoir les services en français dans le cas où « cela est jugé nécessaire ou approprié par le conseil municipal ».

L'APEC mit du temps à concéder le fait que la Loi n'oblige pas les municipalités, même dans les régions désignées, à offrir des services en langue française. L'association, qui avait insinué que le gouvernement de Queen's Park comptait étendre l'obligation du bilinguisme aux municipalités, envoya à ces dernières une lettre offrant une mise en garde alarmante : « N'attendez pas que les municipalités n'aient plus de choix. » Le dossier transmis par l'APEC aux autorités municipales comportait même la liste des obligations qui seraient imposées en matière de services en français. La campagne eut des effets visibles sur des élus municipaux mal renseignés. Dans une entrevue accordée au *Toronto Star*, après la comparution de l'APEC devant son conseil municipal, un préfet déclarait : « J'ai été scandalisé. Personne n'avait fait de recherches, personne n'avait étudié la signification du plan du gouvernement, et pourtant ce groupe cherchait à nous épouvanter en racontant que nous serions tous forcés d'apprendre le français. C'était horrifiant[5] » [notre traduction]. Mis en colère par la loi 178 du Québec et indifférents aux aspects positifs du traitement accordé par le Québec à sa minorité de langue anglaise, les membres de l'APEC n'ont pas hésité à formuler les comparaisons les plus désobligeantes.

En mars 1990, 64 des 839 municipalités de l'Ontario s'étaient déclarées unilingues. Il s'agissait dans la plupart des cas — les deux exceptions notables étant Sault-Sainte-Marie et Thunder Bay — de petites collectivités. Puisque ces municipalités n'offraient aucun service en français avant d'adopter leur résolution, on aurait pu soutenir que rien n'avait changé. Mais c'était précisément dans le caractère gratuit de leur geste que résidait l'insulte pour les francophones de

[5] Don Warren, sous-préfet de South Crosby Township, cité dans le *Toronto Star*, juillet 1987.

l'Ontario et d'ailleurs. La résolution adoptée à Sault-Sainte-Marie attira une attention particulière à l'échelle nationale. Même si ces résolutions furent avant tout un phénomène ontarien, quelques villes d'autres provinces se joignirent au courant. (Voir Partie IV, chapitre 2.)

Pendant plusieurs semaines, les médias ont accordé une place importante aux résolutions portant sur l'unilinguisme. Les médias francophones, en particulier, ont diffusé de façon peut-être exagérée les images de quelques esprits égarés qui, à Brockville — il ne s'agissait pas toutefois de résidents de cette ville —, foulaient aux pieds le drapeau québécois. En réalité, l'incident avait eu lieu en septembre 1989, plusieurs mois avant l'affaire de Sault-Sainte-Marie[6]. Mais venant apparemment dans le sillage des résolutions affirmant l'unilinguisme, ces quelques secondes d'un refus écervelé et irresponsable du fait français marquèrent profondément le Québec, où elles vinrent exacerber des tensions linguistiques qui s'accentuaient déjà dans les derniers mois précédant l'échec de l'Accord du lac Meech. Pour les Québécois, la haine et le rejet prenaient une forme visible et tangible; ils oubliaient que le drapeau canadien avait parfois subi des outrages semblables aux mains de manifestants de leur province.

Les excuses présentées par des ministres du culte de Brockville à la suite de l'incident reçurent une bonne couverture de la part des médias québécois, mais un autre phénomène de plus grande envergure, et fort significatif, fut généralement passé sous silence : on accorda peu d'attention, pendant cette période, à ceux qui appelaient à la tolérance dans les milieux d'affaires et syndicaux, parmi les porte-parole du multiculturalisme et des droits de la personne, et parmi les dirigeants municipaux. Dix-sept municipalités ont rejeté des résolutions voulant instaurer l'unilinguisme, et plus de 30 municipalités — dont celles qui regroupent les plus importantes collectivités francophones de l'Ontario — poursuivent leur engagement de fournir des services en français.

Notre *Rapport annuel 1989* ne mentionnait que les premières déclarations d'unilinguisme (il s'agissait à ce moment de cas isolés). Mais le Commissaire prit parti de façon énergique lorsque le courant s'afficha dans toute son ampleur au début de 1990. Dès février, sans attendre sa publication dans la revue *Langue et Société*, il fit paraître un éditorial cinglant qui fut largement reproduit dans les journaux à l'échelle du Canada. Il accorda également plus de 30 entrevues à la presse écrite et électronique, notamment aux émissions *Le Point* au réseau français et *The National* au réseau anglais de Radio-Canada, et dénonça le mouvement en faveur de l'unilinguisme devant le Comité mixte permanent des langues officielles.

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[6] En novembre 1990, un reportage en deux parties, diffusé par le réseau anglais de Radio-Canada dans le cadre de l'émission *The Journal*, démontrait que l'incident s'était produit à l'automne 1989 et analysait les conséquences néfastes de sa présentation, en mars 1990, à l'émission *Le Point* de Radio-Canada.

Le 15 février, la Chambre des communes réagissait aux événements en réaffirmant sa volonté de soutenir, de protéger et de promouvoir la dualité linguistique au Canada. Bon nombre des grandes municipalités de l'Ontario s'empressèrent de condamner publiquement les résolutions; c'est ce que firent notamment les maires d'Etobicoke, de Hamilton, de London, d'Ottawa, de Toronto et de Windsor. Lors d'une réunion tenue le 2 août, les membres de l'Association des municipalités de l'Ontario — qui représente 706 municipalités de la province — ont réaffirmé par une majorité écrasante leur reconnaissance des deux langues officielles du Canada. La Conférence des Maires, Préfets et Secrétaires de l'Ontario de l'Est fut également unanime à dénoncer les résolutions en faveur de l'unilinguisme. En outre, la Fédération canadienne des municipalités fit paraître une déclaration dans laquelle elle réitérait ses principes directeurs touchant les langues officielles au sein des municipalités canadiennes; en vertu de ces principes, « tous les Canadiens, toutes les Canadiennes et toutes les institutions canadiennes de nos trois paliers d'administration doivent agir avec tolérance, courtoisie, intelligence et générosité partout au Canada en ce qui concerne les droits en matière de langues officielles ».

Au moment où les Ontariens se rendirent aux urnes en septembre, le vent avait manifestement tourné. Si quelques fanatiques isolés continuaient de vouloir instaurer un monde meilleur fondé sur l'unilinguisme, la plupart des citoyens de la province, embarrassés, paraissaient enclins à passer cette question sous silence. Mais l'histoire des résolutions ontariennes en faveur de l'unilinguisme peut se lire comme une fable dont nous devons tirer l'enseignement. Derrière les demi-vérités et la parade des arguments évoquant la responsabilité fiscale se cache une réalité plus inquiétante. Pendant un instant, nous avons levé le masque de l'affabilité que nous portons si bien, nous autres Canadiens, et nous avons révélé le côté sombre de notre caractère national. C'est une réalité qui n'est pas nouvelle et qui ne disparaîtra pas de sitôt, même si elle a vite cessé de faire la une des quotidiens. Un souvenir nous habite désormais : on compare la langue française au virus du SIDA, et des gens applaudissent; or ces gens ressemblent à ceux qu'on voit dans la rue principale de n'importe quelle ville canadienne. De tels incidents laissent un goût amer qui remet en question nos prétentions à la tolérance.

Réaction du Québec à l'échec de l'Accord du lac Meech

L'échec de l'Accord du lac Meech a provoqué une sorte de catharsis au sein de la société québécoise. S'adressant à l'Assemblée nationale le 22 juin, le premier ministre du Québec a affirmé : « Le Canada anglais doit comprendre d'une façon très claire que, quoi qu'on dise et quoi qu'on fasse, le Québec est aujourd'hui et pour toujours une société distincte, libre et capable d'assumer son destin et son développement. » Le 24 juin, jour de la Saint-Jean-Baptiste, des dizaines de milliers de citoyens de la province ont défilé à Montréal en proclamant leur fierté d'être Québécois; quelques jours plus tard, le gouvernement du Québec amorçait les discussions qui ont mené à la création de la Commission Bélanger-Campeau sur l'avenir constitutionnel de la province. Après un printemps orageux, l'été s'annonçait long et chaud.

La crise d'Oka

Dans cette conjoncture, la « crise d'Oka », comme on l'a appelée, n'a pas versé de baume sur les plaies. Beaucoup de Québécois estimaient que les médias de langue anglaise n'étaient pas impartiaux dans leur couverture des nombreux incidents à Oka. Ils avaient l'impression de voir de façon oblique les réactions entourant l'Accord du lac Meech. Chacun sait que les perceptions causent parfois plus de mal que les réalités; nous ne pouvons qu'espérer l'apaisement, avec le temps, des colères et des frustrations ainsi que la reprise d'un dialogue libre et ouvert.

L'identité canadienne

Une longue histoire commune, des valeurs semblables et la conviction que nous sommes capables d'entreprendre ensemble, dans l'avenir, de grandes choses : voilà ce qui caractérise (ou ce qui devrait caractériser) notre identité en tant que Canadiens. Pour des raisons découlant de la géographie, de la dualité linguistique et de la diversité culturelle, nous devons continuellement renouveler et promouvoir cette identité, et la nécessité d'une telle action est particulièrement marquée au moment où nous nous adaptons à l'Accord de libre-échange. En vue de préserver notre identité, il est légitime de faire des efforts concertés pour promouvoir le « contenu canadien » et les perspectives régionales dans les livres, les périodiques, les arts visuels et les arts de la scène et, surtout, à la radio et à la télévision. Sur ce front, les nouvelles n'ont pas été encourageantes cette année. Qu'est devenu le comité du Cabinet chargé de l'identité nationale ? On serait heureux de l'apprendre (ou peut-être non, à bien y penser). Mis sur pied après la dernière élection fédérale, ce comité était censé agir pour promouvoir l'identité nationale. À moins qu'il ne se passe des choses à notre insu, nous ne croyons pas nous tromper en affirmant que ce comité pourra bientôt remporter le prix de l'élément le plus discret de l'appareil fédéral. Pourtant, nous savons de source sûre que le président du comité a consacré à sa tâche de longues heures de travail acharné.

La TPS et les livres

La taxe sur les produits et services (TPS), devenue loi à la fin de 1990, a suscité l'un des débats parlementaires les plus passionnés des dernières années. Personne n'aime les taxes. L'application de la TPS aux produits culturels qui contribuent à la protection et au soutien de notre identité a suscité la colère et l'inquiétude, notamment chez les écrivains, les éditeurs et les libraires. Les industries canadiennes du livre et du périodique, de langues française et anglaise, ont toujours été fragiles, notamment en raison de la taille relative des marchés de langues française et anglaise et de la vive concurrence des maisons d'édition de la France, ou de la Grande-Bretagne et des États-Unis.

Au Canada anglais, c'est la Don't Tax Reading Coalition qui a manifesté l'opposition la plus active à l'application de la TPS aux livres et aux périodiques. La coalition a notamment organisé une campagne de lettres au premier ministre. Au Québec, la Coalition contre toute taxe sur le livre a vigoureusement exprimé des revendications semblables. L'indignation du groupe québécois était particulièrement vive parce que le coup porté était double : le gouvernement québécois ayant très tôt accepté d'harmoniser la taxe de vente provinciale et la TPS, les

périodiques et les livres allaient désormais faire l'objet d'une taxe supplémentaire à l'échelon provincial. Les deux coalitions ont soutenu que dans l'immédiat, de telles mesures allaient causer de graves problèmes aux petites librairies et maisons d'édition — en les acculant à la faillite dans certains cas — et qu'à long terme, elles endommageraient de façon permanente notre vitalité culturelle.

Jackie Hudson, porte-parole de la Don't Tax Reading Coalition, s'exprimait ainsi : « Si le Canada impose la TPS, il sera le seul pays au monde à adopter une politique aussi régressive sur le plan culturel. Trouver notre reflet dans des publications, c'est l'un des moyens pour nous de connaître notre identité[7] » [notre traduction]. Au mois de septembre, le Conseil consultatif du livre du Québec a fortement recommandé au ministre des Affaires culturelles de la province de prendre des mesures pour protéger une industrie déjà très vulnérable : « Le Conseil est d'avis qu'il est urgent que le gouvernement québécois soutienne l'industrie québécoise en détaxant le livre, puis en faisant pression sur le gouvernement fédéral pour qu'il en fasse autant. L'avenir du livre québécois en dépend ! »

À la fin de l'année, il y avait lieu de croire que ces plaidoyers n'avaient pas été entièrement vains. Le premier ministre a évoqué la possibilité de prendre des mesures après l'adoption de la TPS, et le ministre des Communications a laissé entrevoir l'éventualité de subventions. Le ministre des Finances du Québec a commencé par dire qu'il ne taxerait pas les livres si Ottawa retirait sa taxe. Enfin, en novembre, il a accepté de détaxer les livres à l'achat. La collaboration entre les gouvernements fédéral et provinciaux, pour trouver des moyens communs de protéger le commerce du livre et du périodique canadiens (de langues française et anglaise) et d'en assurer le développement, constitue une nécessité urgente. Les économies de bouts de chandelles peuvent se révéler coûteuses à long terme. Le gouvernement fédéral devrait trouver un mécanisme pour évaluer les bouleversements linguistiques et culturels provoqués par la TPS et pour proposer des mesures de compensation, en créant par exemple un groupe de travail chargé de faire rapport dans les plus brefs délais.

Compressions budgétaires à Radio-Canada

Assumant le rôle peu enviable du trouble-fête dans les semaines avant Noël, le président de la Société Radio-Canada (SRC), M. Gérard Veilleux, dut annoncer le 5 décembre des compressions budgétaires dévastatrices visant à combler un manque à gagner de 108 millions de dollars pour l'exercice financier commençant le 1er avril 1991. En plus de la perte de 1 100 emplois, on annonçait l'annulation de centaines d'heures d'émissions de télévision locales et régionales, la fermeture de trois stations de télévision locales et la transformation de huit autres stations locales en bureaux. En outre, la Société cessera d'assumer les frais d'exploitation des canaux parlementaires de langues française et anglaise et de Radio-Canada International, service multilingue où prédominent

[7] *Toronto Star*, 19 juillet 1990, p. B1.

toutefois le français et l'anglais. La Société devait chercher à prendre de nouvelles dispositions pour assurer la survie de ces services dans le cas où elle ne parviendrait pas à leur trouver de nouveaux parrains.

En 1990, la Société avait déjà coupé 35 millions de dollars et près de 500 emplois. Le manque à gagner en 1991-1992 est attribuable à l'effet suivi du programme de réduction des dépenses du gouvernement fédéral (32 millions), à l'absence de fonds qui viendraient compenser l'inflation et les nouveaux impôts (18 millions), à la baisse des revenus publicitaires (30 millions), aux versements au fonds de pension de la SRC (12 millions) et à l'augmentation du coût des activités existantes (16 millions). D'ailleurs, on n'a pas fini de souffrir, puisque la Société prévoit pour l'exercice financier 1992-1993 un nouveau manque à gagner de quelque 50 millions de dollars au poste des ressources d'exploitation. Radio-Canada n'en promet pas moins de continuer « à jouer le mieux possible son rôle, à savoir celui d'être le radiodiffuseur national que les Canadiens et Canadiennes veulent ».

Malgré l'optimisme affiché par les cadres de Radio-Canada, on voit difficilement comment la Société pourra remplir son mandat de base actuel. Nous craignons fort que l'on ne puisse promouvoir l'identité canadienne en diffusant *Dallas* et *La loi de Los Angeles* en français et en anglais. Radio-Canada doit rayonner sur le plan régional et national; mais on a infligé à la programmation régionale des coupures dont elle ne se remettra peut-être jamais. Il est difficile de dire si ce sont les minorités ou les majorités qui en souffrent le plus. Bon nombre de nos collectivités minoritaires étaient déjà astreintes à un régime qui assurait à peine leur survie : elles ont l'impression, aujourd'hui, qu'on les abandonne en leur faisant clairement comprendre que leur vitalité et leur sentiment d'appartenance n'importent pas dans une perspective globale. En fait de télédiffusion, les gens qui vivent à l'extérieur des grands centres urbains sont devenus des citoyens de second ordre.

Gilles Lesage a exprimé, dans *Le Devoir*, la colère et la frustration éprouvées par beaucoup de gens :

> « À l'heure où le Canada se cherche une raison de survivre, au moment où le Québec scrute avec passion son avenir politique et constitutionnel, la mise en œuvre d'un scénario aussi sombre pour Radio-Canada a de quoi rendre furieux et décourager même les bonnes volontés les plus complaisantes. Ça arrive de la plus mauvaise manière, au moment le plus inopportun qui soit.
>
> Comme gâchis technocratique, froid et sauvage, il ne se fait pas pire. C'est un coup de poing au visage, une tragédie pour des régions entières, un recul de trente ans.
>
> Le maire de Québec, M. Jean-Paul L'Allier, a parfaitement raison. « Les coupures aveugles annoncées par Radio-Canada ne sont rien de moins que la négation du droit fondamental de disposer d'outils de création et de

> diffusion culturelles capables de refléter la personnalité propre de chacune des régions du Québec. À l'heure du libre-échange et de la menace d'invasion de l'espace culturel canadien et québécois par le produit télévisuel américain, cette décision constitue un choix politique à courte vue et irresponsable par lequel la rationalisation des dépenses mène à l'abandon de la mission de Radio-Canada[8]. »

Pendant des générations, Radio-Canada a joué un rôle vital en expliquant et en illustrant les valeurs culturelles et sociales qui nous unissent. En nous offrant un reflet de notre âme, elle nous a montré que nous étions, malgré nos différences régionales et linguistiques, des Canadiens. Si Radio-Canada se dessèche petit à petit, qui nous donnera une voix ?

Nous recommandions, en 1988, que l'on adopte des mesures qui viendraient appuyer les efforts des organismes culturels pour protéger et promouvoir l'identité du Canada et son intégrité linguistique et culturelle. En ce qui a trait à la Société Radio-Canada, le gouvernement a échoué de la façon la plus lamentable en alimentant au compte-gouttes l'une de nos institutions les plus vitales. Il devrait écouter attentivement les conseils formulés par Keith Spicer, alors qu'il était président du Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC), dans une allocution prononcée le 24 mai 1990 devant le Empire Club of Canada :

> « Par ailleurs, j'encourage aussi le gouvernement à continuer [...] et à approfondir sa méditation [...] sur le rôle unique de Radio-Canada au pays. Il est difficile pour quelque gouvernement que ce soit d'aimer un organisme comme Radio-Canada.
>
> "Nous les finançons", maugréent les politiciens à tous les paliers, "puis ils vous tombent dessus à bras raccourcis aux nouvelles tous les soirs !". Pourtant, au-delà de cette réaction humaine bien normale, *tous les paliers* de gouvernement n'y trouvent pas moins un intérêt personnel à long terme : ces personnages parfois irritants de Radio-Canada peuvent, avec le temps, jouer un rôle décisif pour faire en sorte que les Canadiens et les Canadiennes aiment le Canada et, par conséquent, qu'ils appuient les dirigeants, de quelque allégeance politique [qu'ils soient], qui s'efforcent de maintenir l'unité du Canada.
>
> C'est pourquoi tous les gouvernements du Canada ont désespérément besoin de Radio-Canada. C'est aussi pour ces raisons que le gouvernement devrait chercher des moyens, abstraction faite des inconvénients ou des conflits de tous les jours, pour financer généreusement Radio-Canada de manière convenable et prévisible. »

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[8] Gilles Lesage, « Un jour noir pour Radio-Canada », *Le Devoir*, 7 septembre 1990, p. A-8.

La télédiffusion

Le *projet de loi nº C-40*, deuxième tentative du gouvernement de réviser la *Loi sur la radiodiffusion*, fut présenté à la Chambre des communes au mois d'octobre 1989 et y resta pendant toute l'année 1990 avant d'être envoyé au Sénat quelques jours avant Noël[9]. Au mois de février, devant le Comité législatif de la Chambre des communes qui se penchait sur le projet de loi, le Commissaire a évoqué le souci qu'il éprouve depuis longtemps — comme on l'a noté dans notre *Rapport annuel 1988* — d'améliorer les services de télédiffusion offerts aux communautés minoritaires de langue officielle. Il a fait remarquer que le projet de loi ne comprenait aucune disposition offrant aux communautés de langue officielle minoritaire actuellement incapables de capter les ondes de Radio-Canada la certitude de recevoir bientôt de tels services. En ce qui a trait à la télédistribution, il a noté que le projet de loi ne comportait aucune disposition visant à assurer explicitement aux minorités de langue officielle, par l'intermédiaire des pouvoirs de réglementation du CRTC, la possibilité d'exercer un choix parmi une variété de services dans leur langue.

Au cours des dernières années, les services de programmation offerts par la télédistribution ont connu une augmentation considérable. Mais dans les régions où la minorité de langue officielle est peu nombreuse, l'éventail de la programmation offerte dans sa langue ne s'est guère élargi, particulièrement dans le cas des minorités francophones. Il ne faut pas oublier que la rareté de la programmation dans la langue minoritaire a des conséquences non seulement pour les minorités, mais aussi pour les membres de la majorité qui désirent approfondir leur connaissance de l'autre langue officielle. De plus, les élèves sont de plus en plus nombreux à apprendre le français langue seconde; en leur offrant une gamme de services de télédiffusion en français, on les aidera à maintenir leur compétence.

Encouragera-t-on le CRTC à revoir les principes actuels selon lesquels, dans les faits, les télédistributeurs peuvent se contenter d'*un seul* service de programmation dans la langue de la minorité, même dans les régions où aucun télédiffuseur n'offre un tel service ? Alors que les entreprises de télédistribution multiplient les services offerts dans la langue de la majorité, le CRTC continuera-t-il de croire qu'il suffit d'un seul service dans la langue de la minorité ? Jugera-t-il satisfaisant un rapport de 50 à 1, ou de 100 à 1 ? Devant le comité, le Commissaire a recommandé que la nouvelle loi soit explicite : la télévision par câble doit refléter, tout au moins dans une certaine mesure, la dualité du pays. La loi devrait assurer que les télédistributeurs offrant une large gamme de services dans la langue de la majorité fournissent également une certaine diversité en matière de programmation dans la langue officielle de la minorité. Bref, nous aimerions que le CRTC fasse preuve d'imagination en utilisant ses pouvoirs de réglementation, comme le veut la *Loi sur les langues officielles*, afin « d'appuyer le

[9] Le projet de loi a reçu la sanction royale au début du mois de février 1991.

développement des minorités francophones et anglophones et, d'une façon générale, de favoriser, au sein de la société canadienne, la progression vers l'égalité de statut et d'usage du français et de l'anglais ».

Bilinguisme et multiculturalisme

À la fin de 1990, on a présenté au Sénat deux projets de loi qui ont peut-être acquis force de loi à l'heure où paraît le présent rapport : l'un vise la création d'un nouveau ministère du Multiculturalisme et de la Citoyenneté, l'autre l'établissement de l'Institut canadien des langues patrimoniales. Prises dans la foulée de la *Loi sur le multiculturalisme* de 1988, ces initiatives cherchent à rendre les Canadiens plus sensibles à leur diversité culturelle. Nous avons maintes fois soutenu que la dualité linguistique et le multiculturalisme constituent des politiques complémentaires dont la réussite dépend d'une même vertu, celle de la tolérance. On le sait, les gens qui rejettent le pluralisme ethnique et culturel du Canada sont souvent ceux qui s'opposent à la réforme linguistique.

Lors de son intervention à la quatrième Conférence sur l'éducation multiculturelle et interculturelle et sur les relations inter-raciales en novembre 1990, le Commissaire a rappelé aux délégués qu'une éducation multiculturelle et interculturelle était essentielle si l'on voulait donner aux jeunes Canadiens la possibilité de comprendre et d'accepter l'égalité fondamentale de tous les Canadiens. Cependant, aucun programme d'éducation interculturelle ne serait complet s'il n'assurait pas, en même temps, la pleine compréhension des phénomènes historiques et démographiques qui justifient l'existence de deux langues officielles au Canada. Ces langues sont les principaux véhicules de deux cultures fondamentales : elles constituent en quelque sorte le métier à tisser de la tapisserie nationale. Au Canada, les cultures française et anglaise ont évolué pour acquérir un caractère nord-américain qui leur est propre. Il importe de faire clairement remarquer qu'elles sont au cœur de la notion de multiculturalisme et que les autres cultures qui s'expriment au Canada vivent en symbiose avec elles. D'un point de vue global, c'est cette convergence dynamique qui fonde la culture canadienne au singulier.

Les efforts pédagogiques visant à harmoniser notre patrimoine linguistique et culturel doivent viser, en dernière analyse, notre identité en tant que Canadiens et ne doivent pas se limiter aux écoles. Il est important pour tous les citoyens d'en arriver à la perception de valeurs et d'objectifs communs. Nous attendons toujours que l'on mette en œuvre les recommandations de notre *Rapport annuel 1988* : nous y proposions une campagne de promotion qui expliquerait les relations entre les politiques fédérales en matière de langues officielles et de multiculturalisme. Avec le temps, on verra peut-être que les fautes d'omission sont aussi graves que les péchés les plus banals. Le gouvernement fédéral ne peut se contenter de débiter des platitudes sur la diversité, la dualité et l'enrichissement. Les Canadiens ont le droit d'avoir une vue d'ensemble de la « mosaïque ». À l'heure actuelle, les objectifs nationaux que nous poursuivons ne sont pas clairs; ils doivent le devenir.

Tout en continuant de vouloir préserver leur langue d'origine, les immigrants qui arrivent au Canada découvrent rapidement que le français et l'anglais constituent, à différents degrés, les langues nationales de communication dans lesquelles ont lieu nos échanges politiques, économiques, scolaires et sociaux. Ils ont un vif désir d'apprendre l'une ou l'autre, ou les deux. Malheureusement, en période d'austérité fiscale, les systèmes scolaires de plusieurs provinces sont désormais incapables de répondre à la demande créée par l'arrivée d'un nombre croissant d'enfants et d'adultes qui ont besoin d'instruction spécialisée pour maîtriser le français ou l'anglais comme première langue officielle. Un rapport du Conseil consultatif canadien de l'emploi et de l'immigration signale que :

> « Selon de nombreuses études, la formation linguistique est probablement, à elle seule, l'élément qui influe le plus directement sur l'intégration des immigrants dans la mosaïque canadienne. Une formation linguistique insuffisante se traduit également par une perte du potentiel des immigrants, tant sur les plans économique que social[10]. »

Le Conseil demande notamment au gouvernement fédéral et aux provinces de mieux assurer la coordination des programmes de formation linguistique, et propose que « [...] des mécanismes appropriés au niveau fédéral et provincial [soient établis] pour fournir une gamme de services linguistiques flexibles et de haute qualité conçus afin de rencontrer (sic) les besoins des immigrants[11] ».

À la fin de 1990, le gouvernement fédéral et celui du Québec ont conclu dans le domaine de l'immigration une entente quinquennale sur le partage des pouvoirs, d'une valeur de 332 millions de dollars, qui offre un exemple positif d'un effort concerté en vue d'assurer l'intégration des immigrants tout en tenant pleinement compte des exigences particulières de la dualité linguistique canadienne. L'entente, qui entre en vigueur le 1er avril 1991, respecte les besoins précis du Québec en lui accordant le pouvoir de choisir des immigrants indépendants et d'assurer leur intégration linguistique et économique à la société québécoise. La province espère attirer davantage d'immigrants francophones et élargir l'accès des immigrants non francophones à l'apprentissage du français. D'autres provinces négocient actuellement avec le gouvernement fédéral des ententes touchant l'immigration.

Tout en encourageant les immigrants à apprendre le français ou l'anglais, les gouvernements fédéral et provinciaux ont également la responsabilité de promouvoir la préservation et le développement des « langues du patrimoine ». Cette promotion, louable en soi, est également recommandable du point de vue

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[10] Conseil consultatif canadien de l'emploi et de l'immigration, *Les immigrants et la formation linguistique*, document présenté au Symposium sur l'établissement et l'intégration des immigrants et immigrantes, Toronto (Ontario), 28-29 mai 1990, p. 1.

[11] *Ibid.*, p. 26.

économique. Comment douter qu'à l'ère des échanges planétaires, notre capacité de livrer concurrence ne soit accrue par les compétences linguistiques ainsi que par le savoir-faire culturel et social de centaines de milliers de polyglottes ? Nous ne devrions pas nous contenter de vaines paroles touchant le développement de telles compétences. Il y a quelques mois, par exemple, on n'aurait pas prédit que l'Ukraine, avec sa population de quelque 51 millions de personnes, pourrait devenir un important partenaire commercial du Canada. On ne saurait pourtant en douter aujourd'hui et on ne saurait nier, non plus, que nos affinités linguistiques et culturelles avec cette région nous y ouvriront des portes. En 1986, pour le Canada dans son ensemble, le taux de bilinguisme français-anglais était plus élevé chez les allophones que chez les anglophones. Bref, s'il est bon de connaître deux langues, il est peut-être encore meilleur d'en connaître trois ou quatre.

La privatisation

La privatisation d'organismes fédéraux a de nouveau fait l'objet d'un débat cette année. À l'automne, deux projets de loi ont été déposés au Parlement en vue de privatiser Pétro-Canada (*projet de loi nº C-84*) et certains aéroports (*projet de loi nº C-85*). Ce qui nous intéresse en ce domaine, c'est que le gouvernement assure la protection des acquis — souvent si difficilement gagnés — en matière de langues officielles. Nous avons soutenu qu'on devrait, au minimum, effectuer des études approfondies des conséquences linguistiques de telles actions. Dans le cas de Pétro-Canada, on n'en fit rien, on doit maintenant assurer la vente de l'un des emblèmes les plus récents de la souveraineté canadienne dans le domaine de l'énergie, sans y associer de conditions linguistiques bien contraignantes. (On trouvera plus loin dans ce chapitre un compte rendu exhaustif des initiatives en matière de privatisation.)

Libre-échange et étiquetage bilingue

L'Association des consommateurs du Canada, les Fabricants canadiens de produits alimentaires ainsi que des citoyens de toutes les régions du pays ont continué d'exprimer leur inquiétude au vu du nombre croissant de produits importés, et notamment de produits alimentaires en provenance des États-Unis, qui se retrouvent sur les rayons des magasins sous des étiquettes qui ne répondent pas aux exigences canadiennes en vertu desquelles il faut présenter dans les deux langues officielles un minimum de renseignements essentiels. On affirme à juste titre que le fait de ne pas satisfaire aux normes canadiennes à cet égard constitue l'équivalent d'un acte de concurrence déloyale, ainsi qu'un manque de respect flagrant pour les Canadiens et pour notre identité nationale. Consommation et Corporations Canada ainsi que Douanes et Accises Canada ont pris des mesures pour faire respecter la loi, mais celles-ci ne paraissent pas suffisantes pour endiguer le flot.

Étant donné qu'aucune disposition de l'Accord de libre-échange n'empêche le Canada de fixer des normes en matière d'étiquetage, nous nous avouons déroutés par l'incapacité du gouvernement à assurer une application plus uniforme de la Loi. Nous nous empressons de préciser que l'exigence de l'étiquetage bilingue ne constitue pas une machination ourdie dans la capitale pour priver certains

Torontois de leurs bonbons importés, mais un effort sensé visant à informer et à protéger les consommateurs. En échouant à faire respecter nos règlements en matière d'emballage et d'étiquetage, il est certain qu'on met en danger la santé et la sécurité des Canadiens. L'étiquetage bilingue constitue un aspect important, sur le plan pratique et symbolique, de la dualité linguistique de notre pays. Cela étant dit, il est manifestement nécessaire de mieux renseigner les petits détaillants sur ces exigences et les détails de leur mise en œuvre, afin d'éviter que l'on ne revive en miniature burlesque la bataille des Plaines d'Abraham. La Loi est raisonnable; il faut également qu'elle soit expliquée de façon raisonnable.

Jugement de la Cour suprême touchant les droits linguistiques de la minorité

En mars 1990, la Cour suprême se prononçait sur l'affaire *Mahé et al.*, qui portait sur l'interprétation du droit à l'instruction dans la langue de la minorité établi par l'article 23 de la *Charte canadienne des droits et libertés*. Le jugement du tribunal offre aux provinces, à cet égard, un véritable code de déontologie. La Cour fut unanime à reconnaître que l'article 23 a pour objet général de préserver les deux langues officielles du Canada et les cultures qu'elles représentent, et d'en assurer l'épanouissement dans chacune des provinces. Pour atteindre ce but, le législateur a accordé aux minorités de langue officielle le droit de faire instruire leurs enfants dans leur langue partout au Canada. Les dispositions de la *Charte* en matière d'enseignement sont conçues comme des mesures réparatrices visant à remédier à l'érosion graduelle de nos minorités de langue officielle et à concrétiser la notion de « partenaires égaux » des deux groupes linguistiques dans le domaine de l'éducation. La Cour a manifesté sa compréhension du rôle joué par les écoles de la minorité en observant que « les écoles de la minorité servent elles-mêmes de centres communautaires qui peuvent favoriser l'épanouissement de la culture de la minorité linguistique et assurer sa préservation. Ce sont des lieux de rencontre dont les membres de la minorité ont besoin, des locaux où ils peuvent donner expression à leur culture ».

À cette fin, l'article 23 établit de façon générale le droit à l'instruction. Mais la portée de ce droit dépend d'une « échelle variable » : au maximum, la Constitution exige que l'on accorde aux enfants de la minorité le droit, lorsque le nombre le justifie, de fréquenter un établissement scolaire de la minorité, financé à même les fonds publics et administré par la minorité; au minimum, il s'agit simplement d'assurer la prestation de l'instruction. Sans aucune équivoque, la Cour a attribué aux provinces la responsabilité de créer des systèmes équitables et pratiques. Le jugement de la Cour suprême revêt, pour nos minorités, une importance difficile à surestimer : il leur donne enfin une chance réelle de jouir de ce droit. Comme l'a dit la Cour, l'article 23 « constitue la clef de voûte de l'engagement du Canada envers le bilinguisme et le biculturalisme ». On trouvera au chapitre 3 une analyse détaillée du jugement de la Cour suprême.

À titre d'intervenant dans l'affaire *Mahé et al.* et, au fil des ans, dans plusieurs autres actions en justice fondées sur l'article 23, le Commissariat a toujours insisté sur l'importance d'une démarche exhaustive et structurée pour assurer la

mise en œuvre des droits garantis par la *Charte* en matière d'enseignement dans la langue de la minorité. La décision unanime de la Cour suprême sur cette question vient justifier, nous semble-t-il, les efforts de milliers de parents de langue minoritaire qui ont cherché, depuis 1982, à faire préciser les principes de l'article 23. On connaît maintenant la portée de leur droit de contrôle et de gestion des écoles fréquentées par leurs enfants. Il nous reste à souhaiter que la mise en œuvre ne tardera plus. En même temps, nous sommes conscients du fait qu'un litige ne constitue pas toujours le meilleur moyen de résoudre les problèmes pratiques dans le domaine de l'enseignement. C'est pourquoi le Commissariat a commandé, il y a quelque temps, une étude détaillée visant à définir la portée de l'article 23 et les questions soulevées par sa mise en œuvre à l'échelle du pays, ainsi qu'à examiner les modèles existants et proposés pour la gestion des écoles de la minorité. Selon toute vraisemblance, cette étude aura déjà été rendue publique au moment de la publication du présent rapport. Nous espérons offrir ainsi, à point nommé, un instrument utile aux parents, aux associations, aux conseils scolaires et aux ministères de l'éducation provinciaux.

Loi sur les langues officielles des Territoires du Nord-Ouest

En novembre, l'Assemblée législative des Territoires du Nord-Ouest a obtenu l'autorisation du Parlement de prolonger jusqu'au 1er avril 1992 le délai fixé pour la traduction de ses lois en français. L'échéance avait été fixée auparavant au 31 décembre 1990[12]. S'il a été impossible de la respecter, c'est avant tout parce que l'on a entrepris la révision et la refonte des lois territoriales en anglais : il avait paru fort sensé de mener de front les deux tâches. Le nouveau délai accordé ne modifie en rien l'obligation de donner suite, dès la fin de 1990, aux autres dispositions juridiques touchant la prestation de services en français et en anglais, et dans les six langues autochtones reconnues par la *Loi sur les langues officielles* des Territoires du Nord-Ouest. Nous n'avons guère trouvé de raisons de nous réjouir des plans en matière de services en français dont les autorités territoriales nous exposaient dernièrement les grandes lignes. Nous espérons que le gouvernement des Territoires sera en mesure d'agir avec célérité en ce domaine; chaque collectivité linguistique a des besoins propres qui doivent bénéficier d'un examen distinct. Tous s'entendent pour dire que les langues et les cultures autochtones méritent une reconnaissance et une protection spéciales, mais la politique du chacun pour soi n'a guère de chances de porter fruit. (On trouvera des détails supplémentaires dans la Partie IV.)

Données linguistiques du recensement

Le recensement de 1991 n'occupe sans doute pas les pensées de la majorité des Canadiens. Cependant, à plus d'un égard, il s'agit d'un exercice dont l'intérêt n'a rien de théorique. Le gouvernement et le secteur privé connaissent depuis longtemps l'importance des données du recensement et les utilisent pour mieux orienter leurs programmes et leurs services. Le recensement décrit à la fois notre identité et notre situation actuelle. Par ailleurs, les données du recensement sont

[12] L'échéance originale, fixée en juin 1984, était le 31 décembre 1986.

devenues encore plus importantes pour les minorités linguistiques à l'échelle du pays avec l'adoption de la *Charte canadienne des droits et libertés*. En effet, l'alinéa 23(1)*a*) établit le droit, pour les parents dont la première langue apprise et encore comprise est celle de la minorité de leur province, de faire instruire leurs enfants dans cette langue. Cependant, ce droit ne peut être exercé que « lorsque le nombre de ces enfants le justifie ». La Cour suprême a également confirmé que la minorité a droit au contrôle et à la gestion de ses établissements d'enseignement, mais l'exercice de ce droit dépend d'une « échelle variable » liée à la taille de la collectivité. C'est dire qu'il est vital de dresser un tableau exact et complet de la situation linguistique des Canadiens.

On comprend donc l'émoi de membres des minorités de langue officielle et de ceux qui s'intéressent à leurs problèmes, lorsqu'on a proposé de reléguer la question de la « langue maternelle » (question portant sur la première langue apprise et encore comprise) à la version intégrale du questionnaire du recensement, lequel n'est distribué qu'à 20 p. 100 des foyers canadiens. Une telle modification aurait rendu encore plus difficile la tâche d'évaluer la population des petites collectivités de langue minoritaire. Lorsque Statistique Canada a comparu devant le Comité mixte permanent des langues officielles, qui se penchait sur le recensement de 1991, des députés, le Commissaire et des associations de minorités en ont profité pour lui faire part de leur inquiétude.

Les trois questions posées dans le recensement de 1986 figureront avec de légères modifications dans le questionnaire de 1991, qui comprendra également une nouvelle question linguistique portant sur la capacité de parler une langue autre que le français ou l'anglais. Ainsi, en 1991, on demandera une fois de plus aux Canadiens de dire s'ils connaissent assez bien le français ou l'anglais pour soutenir une conversation; quelle est la langue qu'ils parlent habituellement à la maison; et quelle est la langue qu'ils ont apprise en premier lieu dans leur enfance et qu'ils comprennent encore.

Les données du recensement ont également pris une importance accrue depuis le dépôt de l'avant-projet de règlement sur les communications avec le public et la prestation de services dans les deux langues officielles. En effet, ce règlement fait largement appel aux données en question pour établir l'existence d'une demande importante de services en français ou en anglais. Bien entendu, le gouvernement a l'obligation d'offrir des services dans les régions où la demande est importante depuis l'adoption de la *Loi sur les langues officielles* de 1969, mais ce nouveau règlement constitue la première tentative d'établir un ensemble de critères communs pour tous les ministères et organismes fédéraux au Canada. On espère faciliter ainsi la prestation de services fédéraux aux collectivités minoritaires d'expression française et anglaise. Dans son avant-projet de règlement touchant les communications avec le public et la prestation de services en français et en anglais, le Conseil du Trésor a proposé de combiner les réponses

aux trois questions pour en arriver à un résultat complexe, la « première langue officielle parlée » (estimation I), afin de définir les régions où l'on offrira des services bilingues. (L'annexe B est consacrée aux données linguistiques du recensement.)

Le Comité mixte permanent des langues officielles

Le Comité mixte permanent des langues officielles du Sénat et de la Chambre des communes ne s'est pas réuni souvent en 1990, mais chacune de ses réunions s'est révélée pertinente. Trois audiences furent consacrées à l'examen de la nature et de la portée des questions linguistiques du recensement. Le Comité se souciait en premier lieu de la possibilité, évoquée ci-haut, que la question de la « langue maternelle » — adressée depuis longtemps à l'ensemble de la population dans la version abrégée du questionnaire — ne figure en 1991 que dans la version intégrale. Statistique Canada a fini par proposer au Cabinet d'inclure la question de la « langue maternelle » dans le questionnaire envoyé à tous les foyers en 1991, proposition à laquelle le Cabinet a donné son assentiment.

Le Comité mixte permanent a tenu neuf audiences publiques durant la première moitié de l'année, dont trois seulement ont été consacrées à l'examen du rendement des institutions. En février, le Comité s'est penché sur le rendement de la Société canadienne des postes. On a estimé qu'en dépit des progrès réalisés par la Société, il y avait encore lieu d'apporter certaines améliorations, notamment en matière d'offre active et de prestation de services bilingues par les concessionnaires.

En mai, l'Association de la presse francophone a comparu devant le Comité pour exprimer son mécontentement à l'endroit de certains organismes fédéraux qui n'ont pas recours à la presse des minorités francophones. Air Canada fut cité comme l'un des principaux contrevenants à cet égard. Le président de l'Association s'est exprimé sans détour : « Les engagements du gouvernement en ce qui a trait au respect de la *Loi sur les langues officielles* sont bafoués par Air Canada. »

Air Canada a comparu devant le Comité le 27 juin pour expliquer son comportement à ce sujet. La Société a déclaré qu'elle avait l'habitude de faire paraître des annonces dans les médias de la minorité et qu'elle avait l'intention de continuer de la sorte. Cependant, ses ressources publicitaires étant limitées, elle cherchait à rejoindre les populations-cibles les plus prometteuses, tant du côté francophone qu'anglophone. Bien entendu, l'explication n'a pas donné satisfaction aux représentants de la presse des minorités de langues française et anglaise, qui sont revenus à la charge devant le Comité à l'automne.

Pendant les premiers mois de l'année, au cours de trois réunions, le Comité s'est penché sur les proclamations d'unilinguisme de certains conseils municipaux de l'Ontario. Il a entendu à ce sujet les présentations de la Fédération des francophones hors Québec, de la Fédération canadienne des enseignants, d'Alliance Québec, de l'Alliance for the Preservation of English in Canada (APEC), de l'Association canadienne-française de l'Ontario et du Commissaire. Le 14 mars,

lors de la première réunion consacrée à cette question, le Commissaire a affirmé que « les événements qui se sont déroulés à partir de cette déclaration d'unilinguisme à Sault-Sainte-Marie débordent de beaucoup le cadre municipal, [ils ont] un retentissement national et une profonde signification. Il s'agit, à notre point de vue, d'une attaque à peine déguisée contre le principe même de la dualité linguistique sous diverses formes et sous divers prétextes ». Le Comité s'est montré très critique à l'endroit de l'APEC lorsque ses porte-parole se sont présentés pour condamner sans ménagements la politique canadienne des langues officielles. Des membres du Comité ont dit que les propos de l'APEC étaient « choquants et erronés [et] sèment la division », et en même temps qu'ils étaient « paranoïaque[s] et fanatique[s] ».

Deux réunions du Comité ont été consacrées à l'examen du *Rapport annuel 1989* du Commissaire et aux estimations budgétaires du Commissariat pour l'exercice financier 1989-1990. Au cours de ces audiences, on a souvent évoqué le fait que le gouvernement n'avait toujours pas déposé son avant-projet de règlement touchant les communications et les services. Dans ses remarques préliminaires, le Commissaire a recommandé que le Comité fasse venir le président du Conseil du Trésor et le secrétaire d'État pour les interroger sur leurs priorités et leurs échéanciers pour ce qui est de la mise en œuvre de la Loi. En outre, le Commissaire a vivement recommandé au Comité de rédiger un rapport au Sénat et à la Chambre des communes afin d'obtenir des réponses sur les moyens que le gouvernement entendait prendre pour accélérer la réforme linguistique.

Le Comité s'est penché sur une motion, présentée par l'opposition, visant à sommer le premier ministre de comparaître pour expliquer pourquoi l'on tardait à déposer les règlements. En fin de compte, la motion fut retirée et on décida de faire comparaître le président du Conseil du Trésor et le secrétaire d'État, comme le Commissaire l'avait recommandé. Monsieur Robert de Cotret, qui était alors président du Conseil du Trésor, écrivit au Comité pour différer sa comparution; il dit regretter que des affaires urgentes l'empêchaient de répondre à l'invitation du Comité avant le congé estival. La comparution du secrétaire d'État fut également remise à plus tard.

Le Comité doit encore examiner les rapports annuels 1988-1989 du Conseil du Trésor et du Secrétariat d'État en matière de langues officielles; cependant, les rapports annuels 1989-1990 ont paru en décembre.

Immédiatement avant le congé d'été, le 14 juin, le Comité a présenté au Sénat et à la Chambre des communes un rapport dans lequel il recommandait vivement au gouvernement de « soumettre au Parlement l'avant-projet de réglementation dans les plus brefs délais afin d'assurer la mise en œuvre efficace de la *Loi sur les langues officielles* ». Le gouvernement disposait de 150 jours pour répondre au Comité. L'avant-projet de règlement fut déposé le 8 novembre, quelques jours avant l'expiration de ce délai et quelque temps après que le Commissaire eut présenté à ce sujet un rapport spécial au Parlement.

Pendant la seconde moitié de l'année, le Comité a entrepris l'examen de l'avant-projet de règlement; au cours de cinq réunions successives, il a écouté le président du Conseil du Trésor, le Commissaire, Alliance Québec, l'Association de la presse francophone, l'Association of Quebec Regional English Media et la Fédération des francophones hors Québec. Le lecteur trouvera dans le prochain chapitre une description du projet de règlement et des propositions de ces intervenants. Le Comité avait l'intention de continuer d'entendre des témoins après le congé de Noël.

DÉGEL PARTIEL

c. Le rendement des institutions fédérales

La présente section fait la synthèse du rendement des principaux acteurs de la scène fédérale en ce qui touche la mise en œuvre de la *Loi sur les langues officielles*. Nous y examinons d'abord les éléments linguistiques du programme Fonction publique 2000 et nous expliquons l'objectif que nous poursuivions en présentant notre rapport spécial au Parlement. Nous exposons ensuite les points saillants de l'avant-projet de règlement sur les communications et les services, et soulignons la nécessité d'une orientation plus ferme en matière de politiques linguistiques. Nous évaluons également les activités du Conseil du Trésor dans les secteurs traditionnels du service au public, de la langue de travail et de la participation équitable, et nous traitons de l'effet des récentes privatisations sur le plan linguistique. Les réalisations et les lacunes du Secrétariat d'État figurent également au bilan. En conclusion, nous nous penchons sur le coût des programmes relatifs aux langues officielles.

Tous les ministères et organismes fédéraux jouent un rôle important dans la mise en œuvre efficace de la *Loi sur les langues officielles*. Cette année, nous avons évalué les répercussions de la Loi de 1988 sur cinquante organismes qui nous ont semblé représentatifs de l'administration fédérale. D'entrée de jeu, disons que ce n'est pas trop mal. En effet, deux organismes sur cinq ont enregistré des progrès évidents, rendement supérieur à celui de 1989 alors qu'un seul organisme sur cinq affichait des résultats encourageants. Il s'agit encore d'une minorité, mais la tendance est de bon augure. Les progrès se sont surtout fait sentir dans le service au public en raison de l'adoption prévisible d'un avant-projet de règlement sur les communications et les services, tel que le prescrit la Loi. Ceux qu'un bilan fédéral plus détaillé intéresse pourront consulter la description de la suite donnée aux 60 recommandations formulées dans notre *Rapport annuel 1988* et reproduites à la fin du présent chapitre. Toutefois, un coup d'œil rapide sur l'actif et le passif révèle qu'un peu moins de la moitié de nos recommandations ont été au moins partiellement mises en œuvre. Les progrès réels sur le plan des services bilingues et le dépôt de l'avant-projet de règlement sur les communications et les services sont les deux faits les plus importants à signaler. Parmi les autres, mentionnons une amélioration sensible en ce qui concerne la négociation des protocoles d'entente; une importante diminution du niveau élémentaire de

compétence en langue seconde (A) parmi la plupart des postes comportant la prestation de services au public; la poursuite de l'évaluation des ressources de traduction attribuées aux ministères; des mesures visant à garantir la disponibilité de services bilingues à l'occasion de manifestations canadiennes à caractère national ou international; la mise sur pied de programmes de formation et de perfectionnement bilingues pour les membres de la catégorie de la gestion. Dans la colonne du passif, il faut inscrire la stagnation générale en ce qui a trait à la langue de travail et à la participation équitable. Ces progrès suggèrent également que les prétentions de certains voulant qu'une telle réglementation ne soit ni nécessaire, ni importante constituent, selon nous, une grave erreur. Il ne fait aucun doute que l'usage des deux langues officielles en milieu de travail et la participation équitable y gagneraient considérablement si des règlements à cette fin, accompagnés de directives précises, étaient élaborés et approuvés dans les meilleurs délais. Nous reprendrons plus loin cette question en détail.

Le Bureau du Conseil privé joue un rôle de premier plan dans tous les domaines prioritaires qui, comme celui de la politique linguistique, réclament une vaste coordination des initiatives. Nous aurions voulu affirmer que l'énergie et le leadership dont il a fait preuve ont galvanisé les troupes. Ce n'est malheureusement pas le cas. Au mieux, sa voix était voilée et ses messages, si messages il y avait, n'ont guère été suivis.

La Loi définit en termes explicites le mandat du Secrétariat d'État et du Secrétariat du Conseil du Trésor. Comme Janus, ce sont les gardiens de la réforme linguistique. À notre avis, le Conseil du Trésor n'a pas encore pleinement assumé sa responsabilité de *moteur* de la relance linguistique au sein de la fonction publique. En un mot, il devrait prendre en charge tous les éléments de la Loi qu'il est tenu de mettre en œuvre. En revanche, le Secrétariat d'État s'est acquitté de ses nombreuses fonctions avec conviction et diligence. Bien que nous soyons déçus de son action dans le secteur des communications et de ses initiatives en vue d'aider le secteur privé à fournir des services dans les deux langues, nous croyons qu'il s'acquitte bien de ses responsabilités.

Fonction publique 2000

Au mois d'août 1990, le Bureau du Conseil privé a rendu publique une série de rapports sur l'avenir de la bureaucratie canadienne. Cette analyse approfondie s'inscrivait dans le cadre du programme Fonction publique 2000, initiative du premier ministre lancée en décembre 1989 et destinée à préparer la fonction publique aux défis qui l'attendent à l'aube du prochain siècle. Ces rapports comprennent plus de 300 recommandations visant « une fonction publique davantage tournée vers l'extérieur, capable de s'adapter au changement, engagée vers le service au public (et moins obsédée par les processus internes), acceptant que son personnel, si on lui donne de réels défis et qu'on le traite avec respect, répondra bien[13] ».

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[13] *Questions et réponses pour la publication des rapports des groupes de travail de Fonction publique 2000*, Bureau du Conseil privé, le 14 août 1990.

Les communications et le service au public, deux éléments indissociables de la qualité d'ensemble des services, constituant la pierre angulaire de la *Loi sur les langues officielles*, nous étions convaincus que la question de la langue figurerait en bonne place dans les débats portant sur les besoins des contribuables canadiens. En 1990, 88 p. 100 des 2 690 plaintes déposées au Commissariat portaient d'une façon ou d'une autre sur les communications entre citoyens et employés fédéraux. Nous avons donc été consternés de voir que ces rapports de très grande importance effleuraient à peine les questions linguistiques.

Ainsi, à l'origine, le rapport du Groupe de travail sur le service au public ne contenait aucune recommandation sur le service dans les deux langues officielles. À la suite de nos protestations, la question fut enfin abordée dans le projet définitif, sommairement disons-le, qui comprenait la recommandation suivante : « Le Conseil du Trésor devrait veiller à ce que les gestionnaires de la fonction publique comprennent réellement l'esprit et l'application du Programme des langues officielles. » Nous nous sommes par ailleurs réjouis d'apprendre qu'en vertu du principe du « service au public », une consultation de la population précéderait l'élaboration et la mise en œuvre des programmes. Cette consultation revêt une importance particulière pour les minorités de langue officielle, elles qui n'ont pas toujours été bien servies par les politiques traditionnelles en matière de prestation de services.

La *Loi sur les langues officielles* de 1988 comprend plusieurs idées novatrices sur le service, comme la notion de « l'offre active », le recours aux médias de langue minoritaire, l'examen de la « spécificité » des minorités francophones et anglophones, ainsi que la possibilité d'adopter par règlement « des mesures d'incitation [...] pour que soient effectivement assurés dans les deux langues officielles les communications et les services [auxquels] sont tenues de pourvoir [...] les institutions fédérales ». À notre avis, ces mesures devraient contribuer à accroître la satisfaction du public, à condition toutefois que les questions touchant les langues officielles soient au cœur des systèmes de services, et non à leur périphérie.

Le Groupe de travail sur la politique administrative et le rôle des organismes de services communs a proposé, entre autres, que le recours au Bureau des traductions soit laissé à la discrétion des ministères. Il va sans dire qu'une telle mesure rendrait plus difficile le contrôle de la qualité des traductions. On pourrait ainsi chercher à économiser temps et argent en évitant de traduire certains textes, au détriment de l'un ou l'autre groupe linguistique. Nous espérons qu'un contrôle approprié sera effectué.

Le Groupe de travail sur la dotation a pour sa part recommandé que, dans certaines circonstances, des nominations au niveau plutôt qu'au poste soient autorisées. Malgré de vagues allusions à la responsabilité qui incombe aux gestionnaires de respecter les politiques pertinentes de l'employeur, notamment en

ce qui concerne les exigences linguistiques », on ne peut établir clairement dans quelle mesure cette nouvelle pratique influerait sur l'usage du français et de l'anglais comme langues de service et de travail au sein de la fonction publique. La question n'est examinée à fond nulle part dans le rapport. De même, l'article 91 de la Loi interdit d'appliquer à des fonctions précises des exigences linguistiques à moins qu'elles ne s'imposent « objectivement pour l'exercice des fonctions en cause ». En vertu de ces dispositions, le recours à un système de nomination au niveau nous paraît difficilement conciliable avec le principe de la répartition des effectifs. Des mesures doivent être prises pour veiller à ce que le processus de dotation n'enfreigne pas la Loi en diminuant les exigences linguistiques de certains postes bilingues. Ces réformes fourniraient en outre au gouvernement le cadre idéal pour remplir l'engagement formel, énoncé dans la Partie VI de la Loi, de tendre vers un effectif fédéral qui reflète la présence des deux groupes linguistiques du Canada, et de reconnaître aux francophones et aux anglophones l'accès à des chances égales d'emploi et d'avancement selon le principe du mérite.

Le rapport du Groupe de travail sur le système de classification et la structure des groupes professionnels n'a pas abordé la question de la « prime au bilinguisme ». À notre avis, il est grand temps que ce programme douteux de 45,6 millions de dollars soit revu. Nous aurions salué une recommandation visant à supprimer progressivement la prime, ne la maintenant que dans certains cas précis.

Le Groupe de travail sur la formation et le perfectionnement a recommandé une « évaluation plus rigoureuse de la convenance et de la rentabilité des diverses méthodes de formation et de perfectionnement ». Nous estimons également que cette révision doit être effectuée de façon équitable pour les groupes lésés et en tenant compte des besoins précis en matière de formation en français.

La relance linguistique et la réforme des pratiques administratives fédérales sont intimement liées et posent un même formidable défi. Par le passé, à défaut d'envisager la situation dans une perspective globale, on a parfois élaboré des programmes qui ne tenaient pas suffisamment compte des besoins des communautés minoritaires de langue officielle. La qualité des services et le choix de la langue de service vont nécessairement de pair. Vers la fin de l'année 1990, le Bureau du Conseil privé nous a assuré que le gouvernement tiendrait compte de nos recommandations en se prononçant sur les divers rapports des groupes de travail.

Le livre blanc *Fonction publique 2000*, rendu public le 12 décembre, affirme :

> « La prestation de services aux Canadiens dans les deux langues officielles a constitué un aspect important des rapports entre le public et la fonction publique. Récemment, le Parlement a réaffirmé et intensifié son engagement à utiliser les langues officielles, en particulier dans la fonction publique. Il va sans dire que cet aspect essentiel de la fonction publique, en ce qui concerne

> tant les services qu'elle assure que l'égalité des chances qu'elle donne à tous ses membres, demeure la pierre angulaire de ses rapports avec tous les Canadiens[14]. »

Jusqu'ici, pas de problème. Cependant, il semble que l'engagement du Bureau du Conseil privé touchant la question linguistique se limite pour l'instant à cette noble déclaration. En effet, rien ne laisse penser qu'il ait tenté d'inciter, ne serait-ce que timidement, le Secrétariat du Conseil du Trésor à améliorer la prestation des services dans les deux langues en adoptant les règlements et les directives qui s'imposent.

Rapport spécial au Parlement sur les règlements

Pendant plus de deux ans, le Commissaire a réclamé le dépôt d'une réglementation qui permette de donner plein effet à la Loi. À la mi-octobre, après une série de conversations stériles avec certains hauts fonctionnaires, sa patience était à bout. Invoquant une disposition rarement utilisée de la Loi, le Commissaire déposait le 25 octobre 1990 un rapport spécial au Parlement exhortant le gouvernement à produire sans délai l'avant-projet tant attendu de règlement sur les communications et les services au public. Soulignant que plus de deux ans s'étaient écoulés depuis l'adoption de la Loi, il a énuméré les conséquences néfastes de la passivité du gouvernement : augmentation marquée du nombre de plaintes; imprécision de la notion de demande importante qui réserve un sort différent aux Canadiens selon la région où ils habitent ou l'institution à laquelle ils s'adressent; impuissance du gouvernement à assurer l'usage du français et de l'anglais lorsque la santé et la sécurité du public sont menacées. Le rapport contenait en outre une liste éloquente des promesses non tenues du gouvernement quant au dépôt de la réglementation.

Selon le Commissaire, le retard dans l'application de la Loi a engendré dans les ministères et les organismes fédéraux un attentisme déplorable, en plus d'ajouter au désarroi des communautés minoritaires, déjà fortement ébranlées par l'échec de l'Accord du lac Meech. Le Commissaire a fait valoir qu'il serait peut-être nécessaire de recourir aux tribunaux pour assurer le respect d'une loi sanctionnée par le Parlement. Il a invité le gouvernement fédéral à réitérer son engagement dans l'avenir du Canada en assurant dans les meilleurs délais la pleine application de la Loi. Peu après, soit le 8 novembre, le gouvernement déposait son avant-projet de règlement. (Le lecteur trouvera au chapitre 2 une description détaillée de celui-ci et des réactions qu'il a provoquées.)

Dépôt d'un premier avant-projet de règlement

Pour notre part, nous avons à maintes reprises invité le gouvernement fédéral à témoigner aussi clairement que concrètement de sa confiance dans l'avenir du pays en mettant en œuvre toutes les dispositions de la *Loi sur les langues officielles* qui, selon nous, est un instrument devant assurer l'égalité et l'harmonie entre les

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[14] Fonction publique 2000 : *Le renouvellement de la fonction publique du Canada*, 1990, p. 57.

communautés linguistiques. La législation linguistique fédérale a pour objet de rendre aux collectivités de langue officielle ce qui leur revient (à commencer par les millions de Québécois francophones) et de corriger les inégalités réelles entre le statut du français et de l'anglais. C'est pourquoi nous nous sommes réjouis de ce que le gouvernement ait enfin déposé, comme le lui prescrivait la Loi, la réglementation tant attendue sur les communications et les services.

Dans l'ensemble, cet avant-projet de règlement, fondé sur la démographie ou la population locale selon le cas, et sur diverses conditions spéciales (voyageurs, santé et sécurité du public, par exemple), a été bien formulé en règle générale. Les dirigeants des communautés minoritaires lui ont accordé la note de passage, ajoutant cependant qu'il gagnerait à être révisé. Pour sa part, le Commissaire a tiré deux grandes conclusions : les francophones et les anglophones bénéficieront d'un traitement équitable, et les règlements sont raisonnables.

La réglementation prévoit que les deux groupes linguistiques majoritaires se verront accorder un traitement identique. Les deux communautés minoritaires (qui sont approximativement égales en nombre) bénéficieront également des mêmes services dans des conditions analogues. Étant donné que l'évaluation de la demande s'appuie largement sur des données démographiques, quelque 92 p. 100 des francophones à l'extérieur du Québec et 96 p. 100 des anglophones du Québec auront accès à des bureaux fédéraux dans leur langue. Ce léger écart s'explique par le fait que les minorités anglophones sont concentrées dans les centres urbains d'une seule province, tandis que les minorités francophones sont dispersées partout au pays. Ces communautés auront accès à une échelle variable de services selon leur taille démographique absolue ou relative : la gamme complète des services, un certain nombre de services en fonction de l'envergure de la collectivité ou certains services clés. En outre, des règles spéciales ont été conçues pour des conditions particulières (santé et sécurité, services à distance, services informatisés, services aux voyageurs au Canada et à l'étranger, etc.). Dans ces conditions, il n'y a aucune raison de croire que le nombre de postes bilingues ou le coût global du programme augmenteront de beaucoup. Il faudra cependant répartir plus efficacement les effectifs.

Lors de sa comparution devant le Comité mixte permanent des langues officielles, réuni pour examiner l'avant-projet de règlement, le Commissaire a formulé plusieurs recommandations visant à rendre celui-ci plus équitable, plus souple d'application et plus apte à favoriser l'épanouissement des communautés minoritaires. C'est d'ailleurs au cours de ces audiences que le nouveau président du Conseil du Trésor, M. Gilles Loiselle, a fait une étonnante déclaration selon laquelle les principes directeurs relatifs à l'usage des deux langues en milieu de travail et à la participation équitable des deux groupes linguistiques au sein des institutions fédérales n'exigeraient pas de *réglementation* « dans un proche avenir ». Selon lui, des *directives* feraient tout aussi bien l'affaire. Si tel était le cas, on peut se demander pourquoi de telles directives n'ont pas réussi dans le

passé à remédier aux problèmes endémiques dans ces deux secteurs et pourquoi le Parlement a jugé opportun de fixer des exigences détaillées pour l'adoption de règlements précis sur ces points. Se pourrait-il, une fois de plus, que le gouvernement n'ait tout simplement pas le courage d'assumer le rôle de chef de file en matière de réforme linguistique ? Dans les circonstances actuelles, il est essentiel qu'il souscrive aux principes entérinés presque unanimement par tous les partis politiques en 1988.

À notre avis, le dépôt du premier avant-projet de règlement a indéniablement constitué l'événement le plus marquant de l'année en ce qui touche l'application de la *Loi sur les langues officielles* de 1988. En revanche, l'aveu du président du Conseil du Trésor selon lequel aucun projet n'avait été élaboré concernant les autres questions envisagées dans la Loi, puisque cela ne correspondait apparemment à aucune nécessité immédiate, a représenté un recul.

Nécessité de directives

Aussi indispensable qu'elle soit, la réglementation ne suffit pas à assurer l'application efficace de la Loi, pas plus d'ailleurs que les règlements de la *Loi sur les douanes* ne suffisent à assurer l'efficacité des contrôles aux postes frontaliers. Les politiques et les directives servent à traduire en consignes les dispositions de la Loi et les prescriptions réglementaires. Elles permettent d'interpréter les nouvelles pratiques en les comparant aux anciennes, et d'indiquer clairement la marche à suivre au jour le jour. L'an dernier, nous avons brièvement expliqué pourquoi plusieurs vieilles directives, en s'ajoutant les unes aux autres, formaient un ensemble d'éléments trop confus pour être vraiment utiles, en plus de contrevenir, parfois de façon manifeste, à l'esprit et à la lettre de la nouvelle Loi. Nombre des politiques du Conseil du Trésor sur les langues officielles n'ont pas été revues depuis plus de dix ans. Parmi les plus importants de ces textes, fossilisés mais néanmoins en vigueur, mentionnons les suivants :

- *Les langues officielles dans la Fonction publique du Canada* (1977);
- *Vérification des politiques et programmes de langues officielles dans la fonction publique du Canada* (1978);
- *Améliorations à apporter à la mise en œuvre du programme en matière de langues officielles dans la fonction publique fédérale* (1980);
- *Énoncé de certaines modifications de politiques* (1981);
- *Les politiques et programmes fédéraux en matière de langues officielles au sein de la Fonction publique fédérale : actions requises*, 1982;
- *Égalité d'accès à l'emploi dans la Fonction publique fédérale pour les membres des deux groupes de langues officielles : une mise au point* (1983).

Chose incroyable, même l'adoption de la nouvelle Loi n'a pas incité le Conseil à réviser ces textes clés. Reste à espérer qu'il s'agira d'une priorité pour le nouveau président du Conseil du Trésor.

Par contre, la politique administrative du Conseil du Trésor a été remise à neuf. Le message est clair : le Conseil n'a aucune intention de réveiller le chat qui dort. S'il s'était sérieusement engagé à mener la réforme linguistique, il aurait fourni aux gestionnaires fédéraux les instruments de pointe nécessaires pour appliquer la Loi de façon rigoureuse. À l'instar de sa politique administrative, la politique linguistique du Conseil devrait être « présentée de façon à expliquer, aussi clairement que possible, le fondement de chacune d'elles et le rendement qui est censé en découler »[15].

Secrétariat du Conseil du Trésor

La Direction des langues officielles du Secrétariat du Conseil du Trésor a consacré le plus clair de l'année à musarder sur les routes les plus sûres : à l'horizon, que des réalisations assez ternes. La liste des gestes posés en 1990 par le Secrétariat est en effet loin d'être aussi impressionnante que le catalogue de ses lacunes. Il a suivi d'un œil las, mais de chaperon, les activités des ministères; il s'est contenté de murmures bienséants à l'endroit des sociétés d'État et il s'est montré dans l'ensemble confiant que la réforme linguistique se déroulerait tout naturellement selon les modalités de la Loi. Bref, il ne s'est certainement pas distingué par son audace. Nous verrons plus loin que certains progrès ont néanmoins été réalisés en matière de service au public.

Parmi les réalisations du Conseil du Trésor dans le secteur des langues officielles, mentionnons :

- la présentation de l'avant-projet de règlement sur les communications et les services;
- la signature de 15 protocoles d'entente avec des institutions fédérales fixant leurs obligations linguistiques (au total 40 protocoles ont été signés);
- la tenue de nombreux ateliers et de séances d'information sur les répercussions de la *Loi sur les langues officielles* et ses règlements;
- la publication d'une brochure et d'une affiche sur l'offre active de services bilingues;
- la poursuite d'études (qui n'ont pas encore été rendues publiques) sur les milieux de travail propices à l'usage des deux langues officielles et la participation équitable dans la catégorie Scientifique et professionnelle;

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15 *Manuel de la politique administrative*, système du manuel, Introduction, p. 5.

- la tenue de deux colloques sur l'informatique et les langues officielles à la lumière des exigences de l'alinéa 36(1)*b*) de la Loi visant les systèmes informatiques d'usage courant et généralisé.

On trouvera au chapitre 4a. une description plus détaillée des activités du Secrétariat du Conseil du Trésor.

Dans un communiqué de presse marquant le second anniversaire de la promulgation de la Loi en septembre dernier, le Commissaire a fait valoir que l'avant-projet de règlement sur les communications et les services, produit et révisé par le Conseil du Trésor, n'avait pas encore été déposé. La préparation systématique d'autres règlements prévus par la Loi ne semblait pas davantage prioritaire. Paralysie également en ce qui a trait aux politiques et aux directives rigoureuses nécessaires pour procéder à la traduction des dispositions de la Loi en langue administrative. Aucun « accord » visant le rendement linguistique des sociétés d'État n'a été signé.

Au cours des dernières années, les sociétés d'État ont dû se débrouiller seules aussi bien en ce qui touche le service au public que la langue de travail et la participation équitable. Cette désinvolture est loin de correspondre à l'article 46 de la Loi, qui précise les fonctions du Conseil du Trésor, soit la responsabilité « de l'élaboration et de la coordination générales » de l'application de la Loi dans les « institutions fédérales ». Il faut également souligner que le Rapport annuel 1989-1990 du Conseil du Trésor sur les langues officielles dans les institutions fédérales ne comprend pratiquement ni données ni statistiques sur la capacité des sociétés d'État à mettre en œuvre les parties IV, V et VI de la Loi. Le Conseil du Trésor n'a effectué aucune vérification du rendement linguistique des sociétés d'État au cours des dernières années. En effet, le Conseil s'en remet souvent aux vérifications et aux études du Commissariat pour se faire une idée du rendement linguistique de plusieurs sociétés. « *Quis custodiet custodes* ? », sommes-nous tentés de demander. Voilà un argument supplémentaire qui milite en faveur de l'élaboration dans les plus brefs délais, de règlements sur l'usage du français et de l'anglais en milieu de travail et sur la participation équitable complétant ainsi le règlement sur les communications et les services.

Le Conseil a très peu progressé au chapitre des mesures destinées à assurer que les organismes de réglementation s'acquittent de leurs obligations touchant la dimension linguistique des règlements qui concernent la santé et la sécurité du public. À notre avis, le Conseil doit à tout le moins participer activement au processus de réglementation et passer en revue les études sur l'incidence de la réglementation afin d'évaluer si les dispositions de la Loi sont respectées. Qui plus est, nous nous attendons à ce qu'il entreprenne une révision des règlements en vigueur pour assurer qu'ils satisfont aux exigences en matière de santé et de sécurité. Deux ans se sont écoulés depuis la promulgation de la Loi sans qu'à notre connaissance le Conseil ait entrepris de démarche en ce sens. Cependant, la nomination à l'automne du nouveau ministre, et le rôle qu'il a joué jusqu'ici, nous donnent quelque espoir.

Langue de service

Nous signalions en 1989 que le Conseil du Trésor avait émis des directives et diffusé un nouveau pictogramme indiquant la disponibilité de services bilingues, outil dont il a suivi de près l'utilisation dans les ministères et les organismes fédéraux. Lors des négociations des protocoles d'entente, le Conseil a également établi clairement l'obligation pour les institutions d'offrir activement leurs services dans les deux langues. Ces mesures ont contribué à améliorer la situation. Toutefois, comme nous le soulignions plus tôt, l'offre active de services est bien loin d'être toujours appliquée dans les communications en personne avec le public. De plus, le problème endémique du recours approprié aux médias de la minorité de langue officielle n'a toujours pas été réglé. Si, dans l'année qui vient, le Conseil formule tel qu'il l'a promis des principes directeurs explicites quant à l'application de l'avant-projet de règlement après son adoption, et s'il émet des directives touchant l'utilisation de la presse minoritaire, on pourra alors espérer une nette amélioration dans la prestation des services bilingues.

Cependant, plusieurs problèmes systémiques graves, persistent. Le lecteur trouvera au chapitre 2 de la Partie IV l'analyse de la capacité bilingue des bureaux où la demande est importante, capacité qui varie considérablement, sinon démesurément, d'un bureau à l'autre. Les bureaux fédéraux du Québec et de la région de la capitale nationale (RCN) disposent d'une solide capacité bilingue. Par contre, dans beaucoup d'autres régions du pays, le nombre insuffisant d'employés bilingues fait obstacle à la prestation satisfaisante de services en français. Plus on s'éloigne du Québec et de la RCN, plus la qualité des services en langue française laisse à désirer. Voilà un phénomène qu'on comprend mal. En effet, lorsque la demande est importante, une seule norme prévaut : un bon service offert et fourni spontanément dans les deux langues.

Si on décèle une certaine amélioration des services offerts par les ministères et les organismes, il n'en va pas de même pour les sociétés d'État. Dans l'ensemble, leur rendement n'est guère reluisant. Le Conseil du Trésor a élaboré des procédures visant la signature d' « accords » avec les sociétés d'État, l'équivalent des protocoles d'entente. En outre, le Conseil est en voie d'acquérir un système d'information sur les sociétés d'État qui lui permettra d'établir des statistiques comparables à celles produites par le Système d'information sur les langues officielles sur les ministères et les organismes.

Langue de travail

Nous avons déjà dit que le Conseil s'est penché, en 1990, sur les conclusions d'une étude sur les milieux de travail propices à l'usage efficace des deux langues officielles. Nous en attendons les résultats avec grande impatience dans l'espoir qu'ils donneront lieu à des réalisations concrètes. Nous avons démontré à maintes reprises dans les rapports annuels antérieurs que le français n'occupe pas la place qui lui revient en tant que langue de travail dans la RCN et dans les régions bilingues à l'extérieur du Québec. Cela vaut particulièrement pour les organismes à vocation scientifique et technique, les sociétés d'État et le ministère de la Défense nationale. À défaut d'expliquer clairement les droits des

employés et les devoirs des surveillants, et plutôt que d'émettre des directives sur les communications orales et écrites dans ces régions, le Conseil du Trésor a laissé la situation se détériorer lamentablement. Notre étude sur les communications entre la RCN et le Québec (voir Partie II, chapitre 3) et nos vérifications annuelles en témoignent éloquemment. Dans bien des cas, le droit des fonctionnaires francophones du Québec de communiquer dans leur langue avec l'administration centrale n'est pas respecté. Par conséquent, nombre d'entre eux mettent sérieusement en doute l'engagement de leur employeur à favoriser l'égalité du statut du français et de l'anglais au sein des institutions fédérales.

Entreprise il y a vingt ans, la réforme linguistique n'a toujours pas permis aux francophones d'exercer librement leur droit de travailler dans leur langue dans les régions bilingues, droit trop souvent sacrifié à une certaine idée de l'efficacité. En fait, le Conseil du Trésor n'a formulé aucune orientation sur les aspects vitaux de la langue de travail depuis 1982, et il s'est dérobé à sa promesse d'élaborer une réglementation pertinente[16], sans laquelle on ne peut espérer de progrès notables. Il est pour le moins étrange que l'organisme central qui précise dans les moindres détails les droits et les obligations des employeurs et des employés dans les conventions collectives perde soudainement ses moyens lorsqu'il s'agit de définir les droits quasi-constitutionnels des fonctionnaires en matière de langue de travail. Si le gouvernement envisage sérieusement, comme il s'y est engagé, d'assurer au français langue de travail un statut, des droits et des privilèges égaux à ceux de l'anglais, il déposera dans les meilleurs délais à la Chambre des communes une réglementation à cette fin, soit bien avant la fin de 1991.

Participation équitable

L'un des principaux objectifs de la *Loi sur les langues officielles* est d'accorder à tous les Canadiens des chances égales d'emploi et d'avancement dans les institutions fédérales, en vertu du principe du mérite, sans distinction d'origine ethnique ni égard à la première langue apprise. En outre, la Loi demande que l'effectif des institutions fédérales tende à refléter la présence au Canada des deux collectivités de langue officielle, compte tenu de la nature de chacune de ces institutions, notamment de leur mandat, de leur clientèle et de l'emplacement de leurs bureaux.

Il s'agit là d'une équation complexe qui, vraisemblablement, est difficile à résoudre. Malheureusement, les années se suivent et les déséquilibres sectoriels, hiérarchiques et régionaux se ressemblent : surreprésentation francophone dans la catégorie Soutien administratif dans la RCN, faible participation anglophone au Québec et faible participation francophone dans les catégories Gestion et Scientifique et professionnelle.

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[16] La préparation des règlements visant la langue de travail a été annoncée dans les *Projets de réglementation fédérale*, 1989, mais elle a été abandonnée dans la version 1990.

On ne peut manifestement pas espérer de miracles, surtout en période de réduction des effectifs. Cependant, les Canadiens sont en droit de s'attendre à ce qu'on s'attaque sérieusement au problème et qu'on adopte des stratégies de redressement. Si certaines mesures destinées à accroître la participation anglophone au Québec ont été prises (voir Partie II, chapitre 3), nous sommes encore très loin d'une action concertée et efficace visant à régler définitivement le problème de la participation équitable. Curieusement, le Conseil du Trésor n'a émis aucune directive sur la question depuis 1983. À l'instar du législateur, nous croyons que des règlements contribueraient à accélérer la réforme, notamment en définissant les responsabilités du Conseil du Trésor, de la Commission de la fonction publique, des ministères et des sociétés d'État, ainsi qu'en énonçant formellement les mesures de redressement à prendre. Enfin, la réglementation aurait l'avantage de tirer le problème de l'ombre et de le porter à l'attention du public, plutôt que de le laisser aux mains de la bureaucratie. De plus, elle permettrait de réfuter les accusations de manipulation des statistiques lancées par la poignée de mécontents dont les cauchemars sont peuplés de francophones aux leviers de commande. À notre avis, rien n'empêche l'élaboration à court terme d'un avant-projet de règlement qui s'inspire des études disponibles. Il est certainement possible d'y arriver avant la fin de 1991.

Rapports spéciaux déposés auprès du gouverneur en conseil en 1986-1987

À la demande du Commissaire, le président du Conseil du Trésor procédait à la fin d'août 1990 à une mise à jour des mesures prises à la suite des rapports spéciaux présentés en 1986 et en 1987 sur le service au public offert par Via Rail, la langue de travail au ministère de la Défense nationale et la participation anglophone au sein de la fonction publique fédérale du Québec. Le président du Conseil a reconnu que les progrès avaient parfois tardé à se manifester, mais que de nouvelles mesures viendraient bientôt corriger la situation. Étant donné que les correctifs utilisés à ce jour ont produit très peu de résultats, nous nous réjouissons de cette initiative. (Voir Partie II, chapitre 1.)

Trois rapports au Conseil du Trésor

Faute de directives précises de la part du Conseil du Trésor, nombre d'institutions fédérales ont joué les somnambules des langues officielles. Pour attirer l'attention sur quelques-unes des plus graves lacunes soulevées par les plaintes qui lui sont adressées, le Commissaire a présenté, en septembre dernier, trois rapports au Conseil du Trésor : l'un sur l'offre active de services bilingues, l'autre sur l'utilisation de la presse minoritaire et le dernier sur l'établissement objectif des exigences linguistiques au moment de la dotation (article 91 de la Loi). (Le lecteur trouvera à la Partie III un examen détaillé de ces rapports.)

Privatisation

En ce qui concerne le maintien des obligations linguistiques des institutions privatisées, le gouvernement procède dossier par dossier. En novembre, deux projets de loi sur la privatisation ont été déposés à la Chambre des communes : le premier intéresse Pétro-Canada, le second un certain nombre d'aéroports fédéraux.

Pétro-Canada

Pour ce qui est de Pétro-Canada, le gouvernement a recommandé dans le *projet de loi nº C-84, Loi concernant la privatisation de la société nationale des pétroles du Canada*, que les clauses touchant la constitution en société soient amendées

pour inclure des dispositions enjoignant Pétro-Canada d'offrir des services bilingues au siège social et dans tous les bureaux et installations que l'entreprise désigne comme étant « à demande importante ». Ces dispositions s'appliqueraient également aux filiales détenues en propriété exclusive. Tout en soulignant l'intention du gouvernement d'assurer le maintien de certaines obligations linguistiques, le Commissaire s'est dit d'avis que les mesures de protection proposées étaient trop timides. Il a notamment mis en cause le fait que Pétro-Canada puisse définir elle-même la notion de « demande importante », d'autant que, selon la *Loi sur les langues officielles*, cette responsabilité échoit au gouvernement et que les citoyens disposent, pour garantir leurs droits consignés dans la *Charte*, de la protection d'un ombudsman et de recours judiciaires. Selon le Commissaire, les Canadiens n'ont pas à choisir entre la privatisation et la garantie de leurs droits linguistiques.

Devant le comité législatif chargé d'examiner le *projet de loi nº C-84*, le Commissaire a fait valoir en novembre que Pétro-Canada avait réussi à s'imposer comme la grande compagnie pétrolière nationale, et qu'elle avait fait des progrès notables en matière d'affichage et de services bilingues dans les régions où la demande est importante. En tant que chef de file du secteur de la pétrochimie, l'entreprise a également joué un rôle de premier plan dans l'augmentation du nombre de francophones œuvrant dans ce secteur. Le Commissaire a recommandé que ces acquis soient consolidés en maintenant après la privatisation toutes les obligations linguistiques de Pétro-Canada aux termes de la *Loi sur les langues officielles*. Cependant, il a admis qu'en vertu de la *Loi constitutionnelle*, la compétence en matière de langue peut légalement être considérée comme une extension de l'autorité. Par conséquent, il a proposé au comité des mesures visant à assurer à tout le moins les droits linguistiques en matière de service au public établis par la Loi, droits que les entreprises privatisées s'engageraient à respecter.

Le rapport du comité à la Chambre des communes n'a retenu aucune des suggestions du Commissaire. De toute évidence, entre le respect des droits linguistiques des Canadiens et la privatisation, le gouvernement risque fort d'opter pour le second choix. Le projet de loi a été adopté par la Chambre des communes à la fin décembre[17].

Le *projet de loi nº C-85, Loi relative aux cessions d'aéroports*, a été présenté en première lecture le 9 octobre dernier. La loi se propose d'offrir en location certains aéroports à des intérêts locaux. Au début, les aéroports d'Edmonton, ainsi que ceux de Dorval et de Mirabel, devaient faire l'objet d'une location. Puis, un appel d'offres a été accepté dans le secteur privé pour la construction et l'exploitation d'une troisième aérogare à l'aéroport Lester-B.-Pearson à Toronto. Dès le départ, Transports Canada avait songé sérieusement à transmettre aux

[17] Nous apprenions au moment de mettre sous presse que le projet de loi a reçu la sanction royale.

locataires ses obligations linguistiques. Discutant de la question avec des porte-parole du ministère, le Commissaire a soutenu que les locataires devraient être légalement tenus de satisfaire à toutes les exigences de la *Loi sur les langues officielles*. Bien que le projet de loi ne remplisse pas totalement cette condition, nous avons été heureux d'apprendre qu'il assure une protection raisonnable des droits linguistiques. Les parties IV (Communications et services), VIII (Attributions et obligations du Conseil du Trésor), IX (Commissaire aux langues officielles) et X (Recours judiciaire) de la Loi s'appliqueraient à la nouvelle autorité comme s'il s'agissait d'une institution fédérale et à l'aéroport comme s'il s'agissait d'un bureau d'une institution fédérale. En revanche, elle ne s'appliquerait pas aux locataires offrant des services dans les aéroports. Autrement dit, concernant les services bilingues, les Canadiens bénéficieront des mêmes droits, que l'aéroport soit ou non privatisé. Ils pourront déposer des plaintes auprès du Commissaire et obtenir réparation à la Cour fédérale si leurs droits n'ont pas été respectés. Lorsque le Commissaire comparaîtra devant le comité législatif, il fera valoir que l'inclusion de toutes les dispositions de la Loi, et non uniquement celles visant le service au public, offrirait des garanties additionnelles des plus utiles, sans constituer un trop lourd fardeau pour les locataires.

De nombreux points de vente de la Société canadienne des postes ont déjà été octroyés en concession. Nous suivons la situation de près afin de veiller à ce que les comptoirs postaux faisant l'objet d'un contrat avec le secteur privé offrent leurs services dans les deux langues officielles là où la demande est importante. À notre avis, la Société prend trop à la légère ses obligations à ce chapitre. Non seulement elle a négligé d'adopter des mesures de contrôle adéquates, mais sa définition de la « demande importante » est insatisfaisante. La Société a invoqué le fait que la réglementation ne soit pas encore adoptée pour se dérober à des obligations dont plusieurs institutions gouvernementales s'acquittent déjà depuis longtemps. Les plaintes et les recommandations du Commissaire ont donné lieu à quelques améliorations isolées, mais des mesures plus énergiques pourraient s'imposer si la Société néglige ses obligations linguistiques dans le processus de privatisation.

Secrétariat d'État

La Partie VII de la *Loi sur les langues officielles* confie au Secrétariat d'État un mandat de taille : favoriser l'épanouissement et le développement des minorités linguistiques et coordonner les efforts des institutions fédérales à cet égard, de même que promouvoir la reconnaissance du français et de l'anglais au sein de la société canadienne. En 1990, le Secrétariat d'État a marqué plusieurs points. En effet, il a pris de nombreuses initiatives fort heureuses en matière d'information sur les programmes linguistiques et consolidé les acquis dans l'enseignement en langue minoritaire et en langue seconde. L'efficacité avec laquelle il s'est acquitté de la plupart de ses tâches mérite d'être soulignée.

Également, des efforts louables ont été consentis au chapitre du développement des communautés minoritaires. Un grand nombre de ces réalisations étant abordées dans d'autres parties de ce rapport, nous nous contenterons de mentionner les suivantes :

- signature d'une entente-cadre sur les langues officielles avec le Manitoba;

- aide financière pour la création de nouvelles écoles de langue française dans la région ouest d'Edmonton, à Calgary et à Yellowknife; d'écoles de langue anglaise à Saint-Lazare, Grosse-Île et Namur, au Québec; appui soutenu à divers autres projets d'enseignement en langue minoritaire à l'échelle du pays;

- aide accordée à quelque 70 organismes bénévoles pour la prestation de services bilingues;

- appui au développement de la radio communautaire en langue minoritaire.

Malgré ces réalisations estimables, les efforts déployés par le Secrétariat afin d'inciter, discrètement ou avec insistance, les institutions fédérales à jouer un rôle plus dynamique dans la promotion de la vitalité des collectivités minoritaires n'ont pas encore donné tous les résultats escomptés. D'ailleurs, nous sommes encore loin de la « coordination » exigée par la Loi. Le Secrétariat a amorcé des pourparlers et établi des relations avec les ministères clés. Cependant, peu de démarches ont été entreprises auprès des sociétés d'État, également touchées par l'engagement du gouvernement à promouvoir le français et l'anglais. Nous sommes également déçus que les ressources limitées du Secrétariat l'aient empêché d'acquiescer à certaines demandes d'aide parfaitement valables émanant du secteur privé. Nous l'avons toujours encouragé à multiplier ses contacts avec les entreprises, les organisations patronales et syndicales ou avec les organismes bénévoles, qui, somme toute, sont des acteurs clés de toute collectivité. Finalement, nous persistons à croire que les activités de communication du Secrétariat d'État, quoique habilement conçues, demeurent par trop modestes et restreintes. À cet égard, le Secrétariat d'État a un rôle de premier plan à jouer non seulement dans l'explication, la défense et l'illustration des principes enchâssés dans la *Loi sur les langues officielles*, mais encore dans la promotion de notre identité nationale. Cependant, nous reconnaissons de bonne grâce que d'autres organismes centraux doivent également faire leur part dans la promotion de notre patrimoine linguistique et culturel. Il doit bien se trouver quelqu'un au sein du gouvernement pour défendre les intérêts du Canada et les valeurs qui le fondent... comme devraient le faire les parlementaires, notamment au-delà des enceintes du Parlement. (Voir le chapitre 4b. pour un examen détaillé des activités du Secrétariat d'État.)

L'année s'est écoulée sans que soit confirmée la création d'un Conseil canadien des langues officielles, proposée au moment du premier dépôt de la nouvelle Loi, le 25 juin 1987. L'idée ne semble pourtant pas avoir été abandonnée. Comme nous l'avons souligné dans le *Rapport annuel 1989*, cette proposition ne nous enthousiasme pas outre mesure, mais nous reconnaissons l'importance de ce que prescrit la Loi dans le paragraphe 43(2) : « [...] assurer la consultation publique sur l'élaboration des principes d'application et la révision des

programmes favorisant la progression vers l'égalité de statut et d'usage du français et de l'anglais dans la société canadienne ». Cependant, cette révision peut se faire de diverses façons, et il n'est pas évident qu'un conseil consultatif, quelle que soit sa composition, soit le mécanisme le mieux adapté à cette mission. En toute honnêteté, nous reconnaissons volontiers que le Secrétariat d'État consulte ses clients régulièrement. Enfin, la Loi prévoit également le « suivi de l'application de la Loi » par un comité parlementaire. Devant cet état de choses, force nous est de réitérer notre avertissement : trop de chefs risquent de gâter la sauce. Peu importe la solution proposée par le Secrétariat d'État, le Comité mixte permanent des langues officielles devrait être consulté.

Dépenses au chapitre des langues officielles

Il est de bon ton pour les détracteurs de la dualité linguistique de se répandre en injures contre les « coûts cachés » des langues officielles. Ce qu'ils entendent par « coûts cachés » n'est pas toujours très clair, mais on soupçonne que toute dépense au chapitre de l'utilisation du français dans la société canadienne risque fort d'être considérée comme extravagante, depuis la Société Radio-Canada jusqu'à l'emballage et l'étiquetage, en passant par les affiches, l'enseignement, les procès et l'impression des lois ou des formulaires de déclaration de revenus en français. Il serait futile d'entrer dans une discussion s'appuyant sur de telles prémisses. Il y a plus de dix ans, le Conseil du Trésor a consenti à fournir une ventilation des dépenses requises par les programmes de langues officielles. Cette année encore, on trouvera une ventilation détaillée de ces dépenses à l'annexe C.1 du rapport. Au cours des années, nous avons également proposé des mesures destinées à réduire les dépenses, notamment accroître l'efficacité de la formation linguistique, envisager de réduire le nombre de traductions, diminuer progressivement et sélectivement la prime au bilinguisme qui, cette année, coûtera 45,6 millions de dollars.

Inutile de dire que 626 millions de dollars représentent une somme non négligeable. Quelque 250 millions sont versés aux provinces pour subventionner l'enseignement dans la langue de la minorité et l'enseignement du français et de l'anglais langues secondes — activités qui ont l'appui d'une majorité écrasante de Canadiens.

Mais que dire des 314 millions de dollars nécessaires au fonctionnement bilingue de la machine gouvernementale ? Le gouvernement fédéral affecte le tiers de 1 p. 100 de ses dépenses totales à la traduction, à la formation linguistique et aux autres coûts liés aux rouages du bilinguisme. Autrement dit, si le coût de la prestation d'un programme fédéral dans une langue — disons en français à Sherbrooke — est en moyenne de 100 dollars, il n'en coûtera pas 100 dollars de plus pour l'offrir en anglais. Il n'en coûtera même pas un dollar, mais plutôt 30 cents. Manifestement, toute dépense des deniers publics, aussi petite qu'elle soit, doit être examinée minutieusement. Mais à ceux qui prétendent que les services bilingues sont par trop onéreux, nous rappelons que le gouvernement fédéral offre ses programmes dans les deux langues là où la demande le justifie, au prix du tiers de 1 p. 100 du coût de ces programmes.

Les Canadiens en ont-ils pour leur argent ? Dans un sens, les crédits affectés aux programmes des langues officielles, de même que les dépenses aux chapitres de l'équité et du multiculturalisme, c'est le prix que avons à payer pour bénéficier de deux grandes cultures linguistiques au sein de notre société. Dans une allocution prononcée, en juin dernier, dans le cadre d'une cérémonie de remise des diplômes à l'Université Simon Fraser, le vérificateur général sortant, M. Kenneth Dye, a affirmé, en parlant du coût de la tolérance : « [...] la majorité des Canadiens considèrent essentiel de débourser ce qu'il faut pour construire une société à la fois unie, intègre et généreuse. [...] En fait, la principale question que nous devons nous poser n'est pas combien coûte le bilinguisme, mais bien quelle est sa valeur et son utilité. [...] Cette vision commune, qui ne peut naître que du respect mutuel et d'une tolérance accrue, constitue à mon avis non seulement un choix des plus souhaitables, mais aussi un impératif économique ». Ce rapport qualité-prix nous paraît un argument des plus convaincants.

d. La situation des minorités et la promotion des langues officielles

Cette quatrième section traite du développement des minorités et de la promotion des langues officielles au sein de la société canadienne. Après un survol de la situation des francophones hors du Québec et des Anglo-Québécois, on y examine le droit à l'instruction dans la langue officielle minoritaire, l'évolution des services aux communautés minoritaires, l'enseignement du français et de l'anglais langues secondes, ainsi que les progrès du bilinguisme dans les services offerts dans la région de la capitale nationale.

Chaque année apporte son lot de problèmes aux minorités de langue officielle. Si un bon nombre de changements positifs ont eu lieu en 1990, les francophones hors Québec et les Anglo-Québécois ont dû, en plus de composer avec leurs sentiments d'insécurité, subir les contrecoups des montagnes russes « constitutionnelles » qui se sont terminées avec la faillite de l'Accord du lac Meech. Celui-ci n'avait pas soulevé leur enthousiasme, mais son échec a ravivé la perspective troublante d'une dislocation du pays qui reléguerait au dernier rang les intérêts des minorités. Heureusement, la protection des droits des minorités est une réalité qui ne peut, ni ne doit, être laissée pour compte. Malgré la tourmente constitutionnelle, certains nuages ont laissé filtrer la lumière, et même le soleil par endroits. Le jugement de la Cour suprême sur les droits à l'instruction dans la langue de la minorité a ainsi apporté une lueur d'espoir, tout comme l'ont fait quelques provinces en assurant à divers degrés de meilleures possibilités de développement à leurs minorités. Les pages qui suivent tracent une ébauche des plus importantes réalisations en 1990 en matière de développement des minorités et de promotion des langues officielles. (La Partie IV présente, globalement et, par province, les faits saillants relatifs aux intérêts des minorités.)

Vision d'avenir

La Fédération des jeunes Canadiens français, après avoir mené une étude pancanadienne sur l'assimilation (le « transfert linguistique », selon les spécialistes), a rendu publics en septembre dernier deux rapports qui ont confirmé les pires

appréhensions de plusieurs. Le premier, intitulé *Le déclin d'une culture*, résume dix ans de recherches sur la vitalité des communautés francophones. Il souligne que les jeunes francophones hors Québec tendent de plus en plus à délaisser leur identité linguistique et culturelle, à se considérer comme « bilingues » et à adopter, aussi involontairement qu'inéluctablement, les valeurs culturelles de la majorité. Le second, *Le choc des nombres*, produit effectivement un immense choc au regard des statistiques qu'il contient. Fondés essentiellement sur les données de recensement, les chiffres affligeants qu'a alignés M. Roger Bernard, de l'Université d'Ottawa, révèlent que de nombreuses petites communautés francophones hors Québec se trouvent dans une situation très difficile.

Si rien n'est fait pour combattre l'effet conjugué du vieillissement de la population, du faible taux de natalité, des mariages mixtes et de l'assimilation, certaines communautés francophones disparaîtront d'ici une ou deux générations. Les 195 tableaux que compte le rapport touchent certes des questions maintes fois traitées, mais ils apportent aussi la confirmation que de nombreuses communautés minoritaires portent de profondes cicatrices, malgré les progrès réalisés dans nombre de domaines et le soutien accru du gouvernement et des institutions au cours des vingt dernières années. Ainsi, 24,8 p. 100 des francophones hors Québec ont moins de huit années de scolarité, comparativement à 10,6 p. 100 chez les anglophones. La Fédération a fait montre de beaucoup de courage et de lucidité en établissant les faits dans toute leur brutalité. Elle compte d'ailleurs arrêter une stratégie de renforcement des minorités et de lutte contre leur assimilation, stratégie qui reposerait essentiellement sur une affirmation accrue et le développement de réseaux d'institutions autonomes.

Malheureusement, dans le contexte actuel, tout examen de la situation démographique des francophones de l'extérieur du Québec semble susciter plus de passions que de solutions. La dernière controverse a été provoquée devant la Commission Bélanger-Campeau par l'auteur québécois Yves Beauchemin qui, faisant écho à la célèbre expression de René Lévesque sur les « canards boiteux », a comparé le francophone hors Québec à « un cadavre encore chaud ». Bien qu'il se soit partiellement rétracté après avoir été pris à partie par certains de ces morts en sursis, pourtant remplis de vitalité et de colère (dont la lauréate du prix Goncourt Antonine Maillet), le mal était fait. Les remarques de M. Beauchemin se fondaient sur un rapprochement assez douteux entre l'origine ethnique française et l'usage du français à la maison, d'où il concluait que le taux d'assimilation des francophones atteignait 71 p. 100 en Ontario. Voilà bien le genre de raisonnement qui fait râler les statisticiens. En effet, l'origine ethnique et les données linguistiques des recensements ne peuvent être rapprochées de la sorte, et la plupart des spécialistes émettent les plus sérieuses réserves sur la pertinence d'utiliser l'origine ethnique dans un contexte linguistique. Les données sur ces questions ne sont d'ailleurs devenues comparables que depuis le recensement de 1971.

Le nombre de personnes hors du Québec qui parlent surtout français à la maison *a augmenté* de 1981 à 1986. Statistique Canada mesure la vitalité ou la persistance

du français et de l'anglais au Canada au moyen d'un « index de continuité linguistique » qui indique la relation entre le nombre de personnes qui parlent une langue donnée à la maison et le nombre de celles dont c'est la langue maternelle. L'index démontre ainsi qu'en matière de continuité linguistique, les grandes communautés francophones de l'extérieur du Québec (c'est-à-dire celle du Nouveau-Brunswick et de l'Ontario) se distinguent nettement des petites. Voici comment Jacques Henripin dépeint la situation :

> « La perte nette qu'il traduit (par rapport aux effectifs de langue maternelle française) n'est que de 7 p. 100 pour le Nouveau-Brunswick. Les Acadiens manifestent ainsi une résistance à l'adoption de l'anglais qui est aussi remarquable par sa force que par sa stabilité, au moins depuis 1971.
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> « En 1986, l'Ontario comptait un peu plus de la moitié (51 p. 100) des francophones vivant hors du Québec (langue au foyer). Leur nombre avait diminué entre 1971 et 1981, mais il a légèrement augmenté de 1981 à 1986, pour atteindre 341 000. Compte tenu des moyens mis en place, dans cette province pour faciliter la vie en français, il serait intéressant de vérifier si les Franco-Ontariens résistent mieux à l'assimilation. Il est trop tôt pour se prononcer; mais on peut tout de même constater que la fraction que représentent les francophones dans l'ensemble de la population est restée presque stable de 1981 à 1986 (3,9 contre 3,8 p. 100), alors qu'elle avait diminué de 4,6 à 3,9 p. 100 entre 1971 et 1981. Compte tenu de la durée inégale de ces deux périodes, on peut dire que la vitesse à laquelle les Franco-Ontariens perdent du poids est devenue trois fois plus faible. En outre — et cela est sans doute plus significatif —, l'indice de continuité linguistique a légèrement augmenté : il est passé de 70,5 p. 100 en 1981 à 71,1 p. 100 en 1986, alors qu'il avait diminué entre 1971 et 1981. Il serait hasardeux de tirer de ces mouvements récents des conclusions péremptoires, mais on ne peut manquer d'en être intrigué. Peut-être, après tout, certaines mesures sont-elles efficaces ? »

Henripin souligne « la remarquable résistance des Acadiens du Nouveau-Brunswick et le pourcentage de francophones dans la population ontarienne qui est resté presque stable entre 1981 et 1986 ». Dans d'autres régions du pays, par contre, on constate une érosion des francophones « par l'abandon de la langue maternelle comme langue principale[18] ».

Vu sous l'angle du développement continu de leurs réseaux scolaires et de leurs institutions, le tableau des francophones du Nouveau-Brunswick et de l'Ontario (soit 76 p. 100 de tous les francophones hors Québec) est loin d'être sombre. En

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[18] La plupart de ces renseignements sont tirés d'un article du démographe Jacques Henripin, paru dans *Langue et Société*, nº 24, automne 1988, p. 8 et 9.

ce qui concerne les plus petites communautés, beaucoup dépend bien sûr de leur poids relatif dans une région donnée, mais surtout de leur propre valeur et de leur identité telles que leurs institutions les expriment. À cet égard, il est particulièrement encourageant de noter les plus grandes possibilités dont jouissent ces groupes au chapitre de la gestion de leurs écoles et de l'enseignement de leurs enfants dans leur langue. S'il est une chose remarquable, voire miraculeuse, c'est bien la ténacité profonde de ces communautés alors qu'autrefois, il leur était beaucoup plus difficile d'étudier dans leur langue. Pour paraphraser Mark Twain : « La nouvelle de leur mort est grandement exagérée ». Plus que jamais, les communautés francophones de l'extérieur du Québec sont résolues, pleines d'énergie et d'invention. Monsieur Guy Matte, président de la Fédération des francophones hors Québec, a bien exprimé leur sentiment quand il a déclaré au groupe d'étude de la Fédération des jeunes Canadiens français qu'il « est temps de changer l'image que nous avons de nous-mêmes et que nous transmettons aux autres ».

Malheureusement, les propos d'associations minoritaires francophones sur la nécessité de renforcer leurs institutions sont parfois mal interprétés. Leur démarche ne constitue en aucune façon un désaveu du bilinguisme institutionnel des ministères et des organismes fédéraux ou du ferme appui qu'apporte le gouvernement fédéral à la dualité linguistique. Les communautés minoritaires sont très sensibles au fait qu'au cours des vingt dernières années, le gouvernement fédéral s'est toujours rangé de leur côté dans les moments cruciaux. Il a en effet combattu avec elles pour faire reconnaître leurs droits linguistiques, il a amélioré la prestation de ses propres services en français et en anglais et a favorisé la conclusion d'ententes fédérales-provinciales en matière de langues officielles. Le message qu'adressent aujourd'hui les associations minoritaires au gouvernement est qu'il faut continuer dans cette voie et en faire plus. Mais au-delà du soutien que leur prêtent les gouvernements fédéral et provinciaux, les communautés minoritaires doivent s'affirmer davantage et développer leurs propres ressources pour assurer leur épanouissement. Les changements survenus dans les domaines des services et de l'éducation, dont il est question plus loin ainsi que dans la Partie IV, permettront de mesurer le chemin parcouru à ce jour et les progrès qu'il reste à accomplir.

Les anglophones du Québec

Si la minorité anglophone du Québec se porte bien à de nombreux égards, elle n'en ressent pas moins le besoin d'être mieux écoutée. En chiffres absolus, elle a diminué en importance depuis 1976. Selon certains indices, cette érosion aurait beaucoup ralenti, mais un sondage effectué cette année par Alliance Québec révèle néanmoins que de nombreux anglophones envisagent toujours de quitter la province. Les changements démographiques, politiques et sociaux ont exercé beaucoup de pression sur son excellent réseau d'institutions et certaines d'entre elles en ont été affaiblies, notamment à l'extérieur de Montréal. En partie parce qu'ils sont concentrés dans la région métropolitaine de Montréal, la majorité des anglophones peuvent encore vivre presque entièrement dans leur langue. Ils comprennent mieux maintenant la nécessité pour la province de protéger la

langue et la culture françaises. Toutefois, le ressentiment engendré en 1977 par la loi 101, et surtout par la loi 178 il y a deux ans, persiste, tandis que de nouveaux motifs d'irritation surgissent de temps à autre. Des garanties formelles quant à l'avenir et des mesures comme la loi 142, qui assure l'accès aux services sociaux et de santé en anglais, n'ont pas empêché l'exode de bon nombre de jeunes anglophones.

Les anglophones du Québec ont relevé ces nouveaux défis de diverses manières, notamment en se convertissant au bilinguisme en plus grand nombre (près de 60 p. 100 d'entre eux disent pouvoir tenir une conversation en français) et en formant des liens plus étroits avec la majorité francophone. La plupart entretiennent comme vision d'avenir la nécessité d'assumer leur destin *en tant que Québécois*. Toutefois, de nombreux anglophones croient que leurs préoccupations ne reçoivent pas l'attention qu'elles méritent et que leur voix ne sera pas entendue dans le chahut et les cris entourant le débat au sujet de leur avenir et de celui du Québec. Dans le préambule de la loi instituant la Commission Bélanger-Campeau sur l'avenir politique et constitutionnel du Québec, le gouvernement leur promettait pourtant d'agir « dans un esprit de justice et d'ouverture dans le respect des droits et des institutions de la communauté québécoise d'expression anglaise ». Aussi longtemps que le marché comportera cette garantie, la communauté anglophone du Québec tiendra bon.

Le droit à l'instruction dans la langue de la minorité

La récente décision de la Cour suprême, où sont présentées et définies pour les minorités les conditions d'exercice de leurs droits à l'enseignement dans leur langue et à la gestion de leurs écoles en vertu de l'article 23 de la *Charte*, a soulevé un vent printanier qui a ramené l'espoir dans tout le pays. Non seulement la Cour définissait-elle le contexte dans lequel peut s'exercer le droit à la gestion des écoles d'une minorité, mais elle soutenait aussi que « l'inaction des autorités publiques » est inexcusable. Nous avons été très satisfaits d'entendre la Cour s'exprimer de la sorte puisque c'est ce que nous affirmons ouvertement depuis des années.

À l'évidence, plusieurs provinces devront encore déployer beaucoup d'énergie pour offrir à leurs minorités le type d'éducation et de gestion qu'envisage la décision de la Cour suprême. Il convient ici de rappeler que le Québec possède depuis la Confédération un système d'enseignement en langue anglaise, distinct et complet, et que le Nouveau-Brunswick a un système distinct en langue française qui respecte l'égalité des deux communautés linguistiques dans cette province. Dans la plupart des autres provinces, le débat autour de l'enseignement en langue minoritaire a évolué considérablement en dix ans depuis la *Charte* des droits : alors qu'il était simplement question d'accessibilité, il s'agit aujourd'hui de gestion autonome. Ainsi, l'Ontario annonçait son intention de créer avant la fin de 1990 deux nouveaux conseils scolaires francophones. L'Île-du-Prince-Édouard a ouvert une importante brèche en créant un conseil scolaire francophone ayant compétence sur l'ensemble du territoire de la province. Il s'agit en soi d'un acquis

considérable, même s'il a été obtenu de haute lutte. Avec de la bonne volonté et de l'organisation, le défi que nous posions l'an dernier aux provinces d'adopter des lois et des politiques qui garantiront à leurs minorités le plein droit à l'enseignement et à la gestion scolaire dans leur langue pourrait bien être relevé avant le dixième anniversaire de la *Charte*. Ces mesures contribueraient sans doute beaucoup plus à lutter contre l'érosion de ces minorités, voire à l'enrayer, que toutes les études des dernières années; et plus encore si elles étaient assorties d'ententes adéquates en matière de garderies et de prématernelles françaises. Quelle meilleure preuve les provinces pourraient-elles fournir de leur engagement envers l'avenir du Canada que d'assurer aux parents francophones la gestion de l'éducation de leurs enfants ? Par ce geste de générosité, elles satisferaient ainsi en toute équité aux revendications à la fois juridiques et morales de ceux-ci.

Les services aux communautés minoritaires de langue officielle

L'an dernier, nous avions signalé l'amélioration notable de la collaboration fédérale-provinciale en matière de langues officielles, progrès en partie attribuable à la signature d'une série d'ententes quinquennales (générales ou sectorielles) sur la promotion des langues officielles. Le Manitoba paraphait ainsi une entente globale en novembre. Nous déplorons cependant le report des ententes-cadres tant attendues entre le gouvernement fédéral et l'Alberta, la Colombie-Britannique et Terre-Neuve. Dans le sillage de l'échec de l'Accord du lac Meech, l'incapacité des gouvernements de ces provinces à résoudre les questions en suspens au chapitre du développement des minorités de langue officielle ne laissera pas d'inquiéter ces communautés. Les compressions budgétaires qui ont frappé les services régionaux de radiodiffusion publique ont aussi porté un dur coup. Malgré tout, il y a eu des initiatives intéressantes, dont les suivantes :

- Le gouvernement du Nouveau-Brunswick a élaboré un plan de mise en œuvre de sa politique des langues officielles comprenant la désignation de postes bilingues et l'embauche de 700 nouveaux employés bilingues. La province s'est engagée à appliquer ces mesures sans compromettre les possibilités d'avancement professionnel des fonctionnaires unilingues. Elle prévoit aussi améliorer les services sociaux et de santé en français.

- Le gouvernement du Québec a continué d'améliorer ses services sociaux et de santé en anglais, comme le prescrit la loi 142. Des plans d'accessibilité ont été conçus pour quelque 200 institutions et de nouvelles ressources sont prévues dans plusieurs régions, notamment des coordonnateurs des services en anglais.

- Le nouveau gouvernement néo-démocrate de l'Ontario a réaffirmé sa volonté de poursuivre l'application de sa *Loi sur les services en français*.

- L'Île-du-Prince-Édouard travaille à l'instauration d'une nouvelle politique des services en français.

- Le gouvernement de la Nouvelle-Écosse et le gouvernement fédéral ont créé un fonds en fidéicommis destiné à soutenir le *Courrier de la Nouvelle-Écosse*, seul hebdomadaire français de cette province.
- Au Manitoba, l'entente fédérale-provinciale devrait permettre d'améliorer les services de santé et dans les bureaux du gouvernement provincial en français.
- La Maison de la Francophonie, centre communautaire des Franco-Colombiens, a ouvert officiellement ses portes le 15 juin à Vancouver.

L'aide d'Ottawa et du Québec

Comme l'illustre éloquemment la seconde section du chapitre 4 de la présente partie, le gouvernement fédéral a, cette année encore, accordé son appui à une multitude d'initiatives destinées à favoriser le développement des communautés minoritaires de langue officielle. À cet égard, il faut souligner que la modeste contribution du gouvernement du Québec à divers projets élaborés par des francophones hors Québec a été très appréciée, comme par le passé. Il a ainsi dégagé 1,6 million de dollars en 1989-1990 qui serviront au financement de 154 activités dans les domaines de l'éducation, de la culture, des communications et du développement économique. En outre, l'entente Québec-Ottawa en matière d'éducation comprend un certain nombre de dispositions relatives à des programmes d'échange et de formation, ainsi qu'au soutien des francophones hors du Québec.

Ayant noté que le préambule de la loi créant la Commission Bélanger-Campeau fait expressément état des contributions du Québec aux communautés francophones hors Québec, des membres de la Faculté francophone de common law de l'Université d'Ottawa lui ont soumis un mémoire fort intéressant. Il proposait que le gouvernement du Québec et les communautés francophones hors Québec entreprennent une étude conjointe sur la nature de leurs relations et leurs perspectives de développement commun. Vraisemblablement, une telle étude ferait ressortir la réelle interdépendance des deux communautés et l'aide mutuelle qu'elles se portent. Les auteurs du mémoire suggéraient par ailleurs que le Québec prenne l'initiative de créer une assemblée permanente des communautés francophones d'Amérique dont l'objectif serait de promouvoir leur développement et leur croissance dans tous les domaines. Cette idée mérite d'être explorée plus à fond. En effet, quelle que soit l'option constitutionnelle qu'il retiendra, le Québec gagnerait certainement plus qu'il n'y perdrait à maintenir des liens étroits avec les autres communautés francophones du Canada et d'Amérique.

L'éducation post-secondaire

Le phénomène du développement, partout au pays, de réseaux scolaires pour les minorités linguistiques dépend, il va sans dire, d'un meilleur accès à l'éducation postsecondaire. Le réseau collégial et universitaire anglo-québécois est très bien établi[19], de même que celui, francophone, du Nouveau-Brunswick. En revanche,

[19] L'accord récent entre le Canada et le Québec fournit un soutien au Collège Heritage (Hull), au Collège régional Champlain (Sherbrooke, Lennoxville, Saint-Lambert et Sainte-Foy) et à l'Université Bishop (Lennoxville).

en dehors de cette province, les francophones à l'extérieur du Québec sont beaucoup moins bien servis. Les provinces ont cependant entrepris de faire face à la situation, comme le démontre, en Ontario, l'inauguration en septembre dernier de la Cité collégiale, premier collège francophone de technologie et de sciences appliquées ayant des campus dans la région d'Ottawa-Carleton, à Hawkesbury et à Cornwall. En novembre, un comité *ad hoc* proposait la création de deux nouveaux collèges, l'un dans les meilleurs délais dans le nord de la province, l'autre avant septembre 1992 dans la région du centre. Entre-temps, le débat se poursuit sur le rôle des universités bilingues de l'Ontario (les universités d'Ottawa et Laurentienne, ainsi que le collège Glendon de l'Université York). En décembre, l'Association canadienne-française de l'Ontario rendait publique une étude sur la possibilité de créer une université française en Ontario. L'étude soutenait que « le milieu franco-ontarien bénéficie déjà de certaines des ressources nécessaires à sa mise sur pied et à la réalisation de ses objectifs à long terme[20] ».

Néanmoins, plusieurs parmi la communauté franco-ontarienne s'inquiètent des possibles répercussions négatives de la création d'une université francophone sur les institutions bilingues, celles-ci ayant augmenté le nombre de leurs programmes universitaires français. Mais un consensus se dégage parmi les francophones du pays selon lequel, d'une part, les institutions francophones actuelles doivent être renforcées, et d'autre part, une collaboration accrue entre les parties intéressées élargira les perspectives en matière d'éducation postsecondaire en français.

La place des communautés minoritaires

En vertu de la *Loi sur les langues officielles*, le gouvernement du Canada s'engage à favoriser l'épanouissement des communautés minoritaires d'expression française et anglaise au Canada. Fondamentalement, il s'agit là d'une politique juste qui vise à assurer l'égalité des chances pour tous. En revanche, elle n'est pas dictée, comme certains pourraient le croire, par le seul sentiment d'altruisme. L'histoire enseigne que le prix à payer pour avoir négligé nos obligations peut se révéler beaucoup plus élevé que si nous avions fait preuve de bienveillance. En procurant à nos minorités de langue officielle les ressources nécessaires à leur survie et à leur prospérité, nous investissons dans la santé sociale et économique du Canada de demain. Par exemple, si les jeunes francophones hors Québec disposent d'un accès à un enseignement de qualité dans leur langue, il est fort probable qu'ils poursuivront plus loin leurs études et contribueront plus activement à la croissance économique de leur région. De même, si on encourage les jeunes anglophones du Québec à demeurer dans leur province natale et si on leur fournit la possibilité d'acquérir une connaissance suffisante du français, ils seront mieux armés pour faire face au marché du travail, au profit du Québec et du Canada tout entier. Un appui ferme du

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[20] Anne Gilbert, *L'Université de langue française en Ontario : des ressources à exploiter*, juillet 1990, ACFO, p. 2.

gouvernement et des institutions peut renforcer les sentiments d'identité et d'appartenance des jeunes, leur sens communautaire et, en définitive, leur esprit d'entreprise. Voilà autant de raisons pratiques qui plaident en faveur d'une politique de soutien actif, plutôt que d'une négligence teintée d'indifférence.

Certains avanceront que les tendances du marché devraient suivre leur cours et que les mesures gouvernementales ont leurs limites quand il s'agit de protéger les minorités de langue officielle. En dernier ressort, il appartient à chacun de nous de répondre à la question : « Dans quel genre de pays est-ce que je souhaite vivre ? » La survie ou la disparition du Canada pourrait bien dépendre de l'attitude que nous adoptons envers nos concitoyens dans la vie de chaque jour. Depuis la Confédération, et plus particulièrement depuis deux décennies, nous avons emprunté une voie peu fréquentée et exigeante, celle du compromis et de la tolérance. De nombreux pays de par le monde nous désignent comme modèle. Allons-nous vaciller au moment précis où il nous faut faire le plein d'espoir et de confiance ?

L'enseignement de la langue seconde

L'enseignement du français et de l'anglais langues secondes est sujet qui intéresse toujours autant les parents. Un sondage mené en octobre 1989 par la société Environics Research Group pour l'association Canadian Parents for French (CPF) révèle que 74 p. 100 de tous les Canadiens désirent que les enfants de leur province apprennent leur seconde langue officielle. Il s'agit là de l'opinion d'une majorité de Canadiens dans chaque province, et particulièrement des francophones; pas moins de 90 p. 100 des francophones interrogés souhaitent que leurs enfants apprennent l'anglais. Au Québec, un nombre croissant de commissions scolaires offrent le programme intensif d'anglais. Cette année, c'est la Commission des écoles catholiques de Montréal, la plus importante de la province, qui a introduit dans ses écoles ce programme permettant aux élèves de cinquième et de sixième année d'étudier l'anglais durant cinq mois.

L'année 1990 a marqué le 25e anniversaire d'une expérience lancée à Saint-Lambert, au Québec, qui fait appel à une méthode novatrice d'enseignement du français : l'« immersion dans la langue » de quelques douzaines d'enfants. Ce modeste essai a porté des fruits remarquables et les programmes d'immersion en français jouissent aujourd'hui d'une popularité phénoménale. Les sceptiques se demandaient cette année si la tourmente constitutionnelle n'allait pas renverser la tendance. Au vu du nombre d'inscriptions, nous pouvons leur opposer un non retentissant. Quelque 288 000 enfants sont inscrits aux programmes d'immersion en français cette année, soit une hausse de 8 p. 100 par rapport à 1989. Cependant, malgré tout le succès qu'ils remportent, ces programmes ne représentent que l'une des possibilités d'apprentissage de la langue seconde. Une variété de programmes-cadres et enrichis fournissent également aux enfants canadiens l'occasion d'apprendre les rudiments de l'autre langue officielle. Le nombre croissant d'options reflète clairement le désir de la plupart des parents canadiens d'expression anglaise de voir leurs enfants apprendre le français à leur propre rythme, à l'école.

Une importante étude sur les programmes-cadres et enrichis d'enseignement de la langue seconde a été rendue publique l'an dernier. Même s'il faudra un certain temps avant que les résultats de l'*Étude nationale sur les programmes-cadres de français* portent fruit dans toutes les écoles, leurs répercussions se font déjà sentir dans des classes un peu partout au pays. L'étude a notamment permis d'explorer une méthode expérimentale qui, croyait-on, pourrait être utilisée fructueusement dans les classes du pays. Cette méthode met l'accent sur la communication des messages plutôt que sur l'étude de la structure de la langue. On a également examiné différentes façons d'intégrer un élément culturel et un élément de linguistique générale dans l'enseignement des programmes-cadres de français.

Au Québec, la CPF et de nombreux citoyens ont réclamé de leur commission scolaire et du ministère de l'Éducation qu'il améliore la quantité et la qualité des cours de français. Un rapport de la CPF portant sur le secteur anglais de l'enseignement dans l'ouest du Québec soutient que les trois quarts des diplômés du secondaire n'ont qu'une connaissance fragmentaire du français. Il s'agit là d'une nouvelle particulièrement décevante si on considère l'importance que revêt l'acquisition de telles aptitudes tant pour les étudiants eux-mêmes que pour la province dans son ensemble. Faisant allusion au constant exode des jeunes cerveaux anglo-québécois, M. Jean-Pierre Proulx, spécialiste du domaine de l'éducation, remarquait récemment : « Vu l'incapacité des établissements anglophones de former des citoyens capables de fonctionner en français, le Québec forme donc à ses frais les citoyens des autres provinces[21]. » Le ministère de l'Éducation a toutefois annoncé son intention de consacrer 2,3 millions de dollars, répartis sur une période de trois ans, à l'amélioration de l'enseignement du français langue seconde dans les écoles anglaises.

Comme on pouvait s'y attendre, le développement des programmes de français langue seconde a connu par endroits une crise de croissance. Parmi les principales manifestations de cette crise, mentionnons une sérieuse pénurie de professeurs, notamment dans les programmes d'immersion, la nécessité de techniques améliorées et plus variées pour maintenir l'acquis, une meilleure évaluation de l'apprentissage de la langue et un plus grand nombre de programmes d'échange. Le Commissariat a, quant à lui, porté un intérêt particulier depuis nombre d'années à la question du maintien de l'acquis en langue seconde parmi le grand public et les fonctionnaires. (Voir la Partie V pour plus de détails sur cette question.)

Région de la capitale nationale

Nous nous sommes réjouis d'apprendre que la Commission de la capitale nationale (CCN) et le Secrétariat d'État ont signé en mai un protocole d'entente en vue de collaborer à des initiatives qui favoriseront la reconnaissance et

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[21] Jean-Pierre Proulx, « L'exode des jeunes cerveaux anglophones », *Le Devoir*, 13 décembre 1990, p. B1.

l'utilisation accrues des deux langues officielles dans la région de la capitale nationale (RCN). La CCN fournira notamment des services de traduction au secteur commercial et aux organismes bénévoles pour les services aux visiteurs. Elle fera également la promotion auprès de l'industrie locale du tourisme d'un pictogramme encourageant l'offre de services bilingues, et évaluera la perception qu'ont les visiteurs du bilinguisme dans la région. Le Secrétariat d'État offre déjà une multitude de services financiers et techniques à la collectivité de langue officielle minoritaire en vue d'améliorer les services bilingues dans le secteur privé et les organismes bénévoles. Enfin, il veillera à ce que l'aide fournie dans la RCN corresponde étroitement aux objectifs de la CCN.

En novembre, la CCN a rendu public un rapport préparé par les fonctionnaires des gouvernements provincial, régional et municipaux et de l'Outaouais, qui traite des projets économiques dans la partie du Québec comprise dans la RCN. Intitulé *Outaouais 2050*, ce rapport fait notamment valoir que l'isolement des habitants de part et d'autre de la rivière des Outaouais est de plus en plus marqué. Nous faisons face au paradoxe d'une région où 42 p. 100 des résidents parlent les deux langues officielles et où, pourtant, les problèmes de services bilingues dans le secteur commercial paraissent endémiques, tandis que le dialogue entre les communautés du Québec et de l'Ontario laisse beaucoup à désirer. Une fois de plus, il s'avère que la région de la capitale nationale constitue un microcosme du Canada. Si les habitants de la RCN et leurs représentants élus s'engagent, comme Canadiens, à former un nouveau partenariat, ils devront s'efforcer de jeter tous les ponts symboliques nécessaires au-dessus de la faille qui sépare pour l'instant ceux dont les intérêts économiques et sociaux devraient concorder.

Étude du comportement linguistique dans la région de la capitale nationale

Une étude entreprise à la demande du Commissariat et terminée cette année fournit de très utiles renseignements sur le climat linguistique qui règne dans la RCN. Menée par les professeurs Richard Laurendeau et Paul Aubry de l'Université du Québec à Hull, cette étude fait état du comportement linguistique de 1 637 habitants de la RCN qui ont accepté de répondre à 41 questions lors d'entrevues personnelles ou téléphoniques. Le sondage révèle, d'une part, ce qui rassemble et distingue les deux communautés minoritaires de la RCN — anglophones au Québec et francophones en Ontario — et, d'autre part, les similitudes et les contrastes entre ces minorités et les majorités des deux rives de l'Outaouais — francophones du Québec et anglophones de l'Ontario. Fondée sur les théories comportementales du béhaviorisme, l'étude tente également d'évaluer la souplesse de ces quatre groupes linguistiques et leur volonté de modifier leur attitude et leurs comportements.

Des quatre groupes linguistiques ayant participé au sondage, ce sont les Franco-Ontariens qui remportent la palme du bilinguisme, 90 p. 100 d'entre eux disant connaître parfaitement l'anglais. Ils parlent aussi souvent l'anglais que le français à la maison, avec leurs amis et particulièrement au travail. Deux tiers

des francophones du Québec interrogés affirment également être bilingues et s'exprimer fréquemment en anglais au travail, mais moins fréquemment avec leurs amis ou à la maison. La moitié des anglophones du Québec déclare avoir une bonne connaissance en français et l'utiliser souvent avec des amis et au travail, mais moins souvent à la maison. Les anglophones de l'Ontario, dont 20 p. 100 sont bilingues, semblent trouver rarement l'occasion de s'exprimer en français. Notons toutefois que les anglophones des deux rives de l'Outaouais souhaitent vivement que leurs enfants apprennent le français, et qu'environ le quart d'entre eux ont (ou ont eu) des enfants qui reçoivent (ou ont reçu) en tout ou en partie un enseignement dans leur langue seconde.

Les anglophones du Québec et les Franco-Ontariens interrogés éprouvent des difficultés à obtenir certains services dans la langue de leur choix dans la RCN. Pas moins de 40 p. 100 de Franco-Ontariens déclarent que leurs dernières communications avec leur gouvernement provincial ou municipal se sont déroulées en anglais plutôt qu'en français. Le tiers d'entre eux affirment également s'exprimer dans leur langue seconde pour obtenir des services sociaux et de santé, et même des services du gouvernement fédéral. Ils déclarent avoir peu d'occasions d'utiliser le français. C'est le secteur privé qui pose le problème le plus sérieux puisque la moitié des Franco-Ontariens interrogés affirment que leurs derniers échanges avec les entreprises se sont déroulés en anglais. Ils estiment que les possibilités d'y parler français sont très minces. Par ailleurs, un Anglo-Québécois sur trois déclare s'être exprimé en français lors de ses derniers rapports avec le gouvernement provincial ou avec sa municipalité, mais la plupart ont pu utiliser leur langue maternelle avec le gouvernement fédéral et le secteur privé. Enfin, le tiers des Anglo-Québécois déclare avoir peu ou très peu l'occasion d'utiliser l'anglais avec les organismes sociaux et de santé.

Les Franco-Ontariens interrogés sont souvent à la merci des médias anglais pour leurs activités culturelles et récréatives. Dans la semaine précédant le sondage, ils avaient regardé plus d'émissions télévisées en anglais et écouté la radio presque autant en anglais qu'en français. En revanche, les Anglo-Québécois avaient eu davantage recours aux médias diffusant dans leur langue. Une majorité de chacun des groupes juge importantes ou très importantes les questions touchant le bilinguisme, le biculturalisme et la dualité linguistique.

Les anglophones des deux rives de l'Outaouais inclinent à penser que l'anglais est menacé au Québec; il en va de même des francophones du Québec et de l'Ontario au regard du français en Ontario. Les anglophones sont plus enclins que les francophones à admettre la nécessité de faire de nouveaux compromis pour résoudre les problèmes linguistiques qui sévissent dans la région. Une majorité de Franco-Ontariens, d'anglophones ontariens et d'anglophones québécois se considèrent avant tout Canadiens, alors que les francophones québécois sont partagés entre les deux identités dans une proportion égale : Québécois ou Canadiens.

En conclusion, les auteurs soutiennent que la politique des langues officielles semble avoir donné des résultats positifs dans la RCN. Toutefois, ils soulignent que les deux groupes minoritaires continuent d'éprouver des problèmes linguistiques, les Franco-Ontariens notamment, dont la situation est beaucoup plus précaire que celle des Anglo-Québécois. Les Franco-Ontariens font face à de réelles pressions pour se convertir à l'anglais, ce qui fait peser une lourde menace sur leur identité linguistique. Ainsi, parmi les jeunes ayant participé au sondage, la grande majorité parlent d'ordinaire en français avec leurs parents, tandis que seulement les deux tiers parlent surtout le français avec leurs amis au secondaire, proportion qui baisse à un peu plus de la moitié au niveau collégial. Il en ressort que les Franco-Ontariens s'anglicisent en vieillissant. Notons toutefois que plusieurs répondants n'ont pas toujours vécu dans la RCN. Les auteurs de cette étude concluent que l'amélioration des services en français se fait particulièrement urgente dans le secteur privé : « Une vie plus normale en français (dans la RCN) passerait sans aucun doute par le secteur privé. » De nombreux Anglo-Québécois de la RCN s'estiment lésés en tant que membres d'une communauté minoritaire et croient leur langue menacée. Néanmoins, les auteurs suggèrent que les problèmes les plus sérieux viennent du manque de services sociaux et de santé en anglais : « Afin d'assurer une vie plus normale en langue première à la minorité anglo-québécoise, il serait nécessaire d'améliorer l'accessibilité aux services sociaux et de santé en langue anglaise. »

Bien que le Commissariat ne souscrive pas à toutes les conclusions de l'étude, les résultats nous éclairent en bonne partie sur l'attitude et le comportement linguistiques des résidents de la RCN. Sur un plan plus pratique, l'étude indique quels domaines réclament des améliorations et certaines voies à suivre pour arriver à une meilleure entente. Nous comptons publier un résumé plus complet de cette étude au printemps et le diffuser dans la région de la capitale nationale, dans l'espoir de susciter un débat et d'encourager les parties intéressées de part et d'autre de la frontière Ontario-Québec à examiner objectivement les problèmes des deux communautés linguistiques.

e. Le plan directeur de 1988 est-il suivi ?

L'une des principales sections de la partie du *Rapport annuel 1988* consacrée à l'adoption de la nouvelle *Loi sur les langues officielles* portait sur les 60 recommandations qui, selon nous, permettraient d'appliquer concrètement les dispositions de la Loi tout en favorisant la relance des programmes de langues officielles. Le tableau suivant donne un aperçu des résultats obtenus. Vous trouverez à la section intitulée « Le rendement des institutions fédérales » du présent chapitre nos commentaires généraux sur les progrès accomplis. La partie est loin d'être gagnée, mais l'avant-projet de règlement en matière de communications et la prestation des services déposé en novembre dernier laisse augurer des jours meilleurs.

Recommandations*	Mise en œuvre
I. LES FONDEMENTS D'UN PLAN DIRECTEUR	
Adoption dans les meilleurs délais de l'ensemble de la réglementation requise par la Loi.	L'avant-projet de règlement touchant les communications et les services a été déposé en novembre 1990. Toutefois, une déclaration du ministre responsable laisse croire que les autres règlements ne seront pas adoptés sous peu.
Mise au point d'un programme de communications permanent.	Peu de progrès.
Ressources adéquates.	Mise en œuvre générale.
Études appropriées dans tous les domaines pertinents.	Mise en œuvre partielle.
Étude suivie des effets de la privatisation.	Rien n'indique que de telles études ont été entreprises.
Étude suivie des répercussions du libre-échange sur la langue et la culture françaises au Canada.	Aucune étude n'a été effectuée. Peu d'initiatives ont été prises.
Efforts consacrés à promouvoir l'identité et la cohésion linguistique et culturelle du Canada.	Efforts peu concluants.
Harmonisation des engagements à l'égard des langues officielles et de la politique en matière de multiculturalisme.	Peu de progrès.
Formule constitutionnelle appuyant le développement des minorités et la réduction de l'écart entre le statut des deux langues officielles en étendant la prestation de services dans la langue minoritaire.	Le gouvernement ne s'est pas encore prononcé sur la question.

* Voir la Partie VI du *Rapport annuel 1988* pour plus de détails.

II. RÉGLEMENTATION

Réglementation sur les communications et la prestation des services tenant compte des principes clés de « bureau », de « demande importante » et de « vocation du bureau ». Une définition précise des services réglementaires offerts aux voyageurs par des tiers conventionnés.	La réglementation sur les communications et la prestation des services a été déposée en novembre 1990. Les associations des groupes minoritaires et le Commissaire les considèrent valables, mais souhaiteraient y voir des modifications.
Réglementation destinée à favoriser l'usage réel du français et de l'anglais au travail.	N'a pas été mise en œuvre. Une étude des milieux propices à l'usage des deux langues au travail a été réalisée, mais ses résultats n'ont pas été rendus publics.
Autres règlements et initiatives exigés par la Loi.	Aucun projet concret.

III. GESTION DU PROGRAMME DANS L'ADMINISTRATION FÉDÉRALE

1. Responsabilité et contrôle :	
• accroissement de la responsabilité en matière de langues officielles.	En voie de mise en œuvre.
• lettres d'entente : - ministères;	En voie de mise en œuvre.
- sociétés d'État.	Aucune lettre d'entente n'a été signée.
• révision des énoncés de principe sur les langues officielles.	N'a pas été mise en œuvre.
• examen du mode d'attribution des ressources en traduction.	En voie de mise en œuvre.
2. Service au public (voir les Parties II et IV) :	

neuf recommandations s'adressant au Secrétariat du Conseil du Trésor.	Mise en œuvre partielle. L'avant-projet de règlement en matière de communications et de services traite de plusieurs aspects.
deux recommandations s'adressant au Secrétariat d'État :	
• plan d'action visant l'application, par les institutions fédérales, de l'engagement du gouvernement en faveur du développement des minorités;	Progrès lents, mais soutenus.
• agrandissement du bassin de traducteurs et intensification des programmes de dépistage et de formation des interprètes.	En voie de mise en œuvre.
3. Langue de travail (voir la Partie II) :	
sept recommandations s'adressant au Conseil du Trésor et à la Commission de la fonction publique, selon le cas, pour favoriser l'utilisation du français et de l'anglais en milieu de travail.	Aucune des recommandations n'a été mise en œuvre intégralement; certaines mesures ont cependant été prises.
4. Participation équitable des membres des deux communautés linguistiques (voir la Partie II) :	
sept recommandations s'adressant au Conseil du Trésor et à la Commission de la fonction publique, selon le cas, visant à corriger de sérieux déséquilibres sectoriels et régionaux.	Dans l'ensemble, aucun progrès notable.
IV. PROMOTION DU FRANÇAIS ET DE L'ANGLAIS DANS LA SOCIÉTÉ CANADIENNE	
1. Minorités de langue officielle :	
sept recommandations s'adressant au Secrétariat d'État sur diverses questions touchant le développement des communautés minoritaires.	En voie de mise en œuvre. Le programme de communications laisse encore à désirer et l'insuffisance des ressources empêche un suivi des initiatives auprès du secteur privé.

2. Radiotélévision :	
une recommandation s'adressant au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) visant à offrir aux communautés minoritaires un meilleur accès à la télédiffusion des débats de la Chambre des communes.	N'a pas été mise en œuvre.
une recommandation s'adressant à la Société Radio-Canada visant à améliorer ses services de télédiffusion destinés aux communautés minoritaires de langue officielle.	N'a pas été mise en œuvre. En 1991, la situation sera sans doute pire qu'en 1988 en raison des compressions budgétaires.
3. Enseignement de la langue seconde (voir la Partie V) :	
cinq recommandations s'adressant au Secrétariat d'État et aux autorités compétentes, destinées à améliorer les programmes d'enseignement de la langue seconde.	Les progrès sont lents.
4. Région de la capitale nationale :	
deux recommandations s'adressant au Secrétariat d'État, à la Commission de la capitale nationale et aux autres intéressés visant à favoriser la reconnaissance et l'usage du français et de l'anglais dans la région de la capitale nationale.	Un protocole d'entente a été signée récemment. Cependant, peu de résultats concrets ont été observés.

2. La réglementation de la Loi : enfin un premier avant-projet, à quand le prochain ?

L'automne 1990 aura finalement été marqué par le dépôt au Parlement du premier avant-projet de règlement afférent à la *Loi sur les langues officielles de 1988*, le plus urgent, soit celui sur les communications avec le public et la prestation de services. Le législateur a en effet spécifiquement prévu dans la Loi huit cas où sa mise en œuvre « peut » donner lieu à des règlements : conclusion d'accords et de traités (article 10), procédures judiciaires (article 17), santé et sécurité (article 26), communications et services (article 32), mesures d'incitation (article 33), langue de travail (article 38), participation équitable (article 40) et autres mesures réglementaires (article 93). À notre avis, de tels règlements « doivent » être promulgués, dans tous les cas où ils peuvent contribuer à l'efficacité de la mise en œuvre de la Loi, compte tenu en particulier des engagements souscrits dans le préambule.

Genèse

L'élaboration du règlement sur les communications et les services commença assez rapidement après l'adoption de la Loi en juillet 1988, mais les premières consultations du Secrétariat du Conseil du Trésor avec le Commissaire et les associations de langue officielle minoritaires n'eurent lieu qu'à l'été 1989. Des mois s'écoulèrent ensuite, davantage marqués par les hésitations du gouvernement — sans doute liées au débat sur l'Accord du lac Meech — que consacrés aux mises au point finales de l'avant-projet de règlement. Pendant cette longue période d'atermoiements, le Commissaire, dans ses interventions publiques tout autant que dans sa correspondance, dans ses discussions privées et plus encore dans ses interventions auprès du Comité mixte parlementaire, ne cessa de souligner et d'illustrer à quel point l'absence de règlements était nuisible, non seulement aux domaines qui devaient être réglementés, mais à l'ensemble de la réforme du régime linguistique. Cette période d'attente fut également marquée par les interventions des associations minoritaires qui incitèrent le gouvernement à agir sans tarder. Le 14 juin 1990, le Comité mixte permanent des langues officielles présenta un rapport *unanime* au Parlement, demandant « instamment au gouvernement de soumettre au Parlement l'avant-projet de réglementation dans les plus brefs délais ».

Rapport spécial

Comme rien ne se passait et que le Commissaire ne pouvait même pas obtenir des plus hautes instances gouvernementales l'assurance que l'on agirait avant la fin de 1990, il usa d'un recours exceptionnel et soumit un rapport spécial au Parlement le 25 octobre dernier. En utilisant ce moyen, le Commissaire désirait souligner qu'il était inadmissible que de nombreux Canadiens subissent un sérieux préjudice en raison de l'absence de règlements et ce, plus de deux années après la promulgation de la Loi. Ce rapport citait les principales occasions où le président du Conseil du Trésor d'alors et le premier ministre s'étaient engagés — quelquefois devant la Chambre des communes même — à présenter la réglementation des mois auparavant. Il rappelait certaines des conséquences de l'absence de règlements : non-respect des droits fondamentaux reconnus dans la *Charte canadienne des droits et libertés*, affaiblissement de la confiance du public dans le principe fondamental de la dualité linguistique, encouragement des organismes fédéraux à l'attentisme et à la stagnation, inégalités d'une institution à l'autre, augmentation du nombre de plaintes, maintien de l'inéquité découlant de l'absence de directives ou de leur non-conformité à la Loi, etc.

L'avant-projet de règlement

Quelques jours après le dépôt de ce rapport spécial, soit le 8 novembre, et près de deux ans et demi après l'adoption de la Loi, le nouveau président du Conseil du Trésor, M. Gilles Loiselle, présidait à l'enfantement de l'avant-projet de règlement sur les communications avec le public et la prestation de services. « Lorsque l'enfant paraît, le cercle de famille applaudit à grands cris. » La prédiction de Victor Hugo se réalisa, tout autant par soulagement après une aussi longue attente, que par une satisfaction devant les lignes de force de l'avant-projet.

Les premières réactions, tant du Commissaire que des principaux participants, furent donc généralement positives. Le Commissaire qualifia cet avant-projet d'*équitable*, estimant que les deux majorités linguistiques bénéficieraient d'un traitement identique et que les deux minorités auraient accès aux mêmes services dans les mêmes circonstances. Il le jugea également *raisonnable*, compte tenu du critère de demande importante reconnu dans la *Charte* et dans la Loi. Le communiqué publié le 8 novembre indiquait que le Commissaire suggérerait certaines améliorations, au moment de sa comparution devant le Comité chargé d'étudier l'avant-projet.

Le critère retenu dans l'avant-projet pour définir la « demande importante », exigé par la Loi pour l'obtention de services dans la langue minoritaire de la part des bureaux d'institutions fédérales, est avant tout, comme il se doit, d'ordre *démographique*. En effet, à part quelques situations particulières où elle devra être mesurée, la demande est le plus souvent évaluée selon le poids numérique des minorités linguistiques (francophones hors Québec, anglophones au Québec). L'importance de ces communautés est mesurée par une formule mise au point par Statistique Canada, qui combine la langue maternelle et la langue parlée à la maison, selon leur importance respective, tout en donnant la priorité à la langue maternelle. Pour les majorités provinciales, le service est toujours garanti.

Une *échelle variable* de services est prévue selon l'importance relative ou absolue des minorités et leur emplacement. Ainsi, dans les villes de plus de 100 000 habitants (les régions métropolitaines de recensement) ayant une minorité d'au moins 5 000 personnes (par exemple, Halifax, Montréal, Toronto, Winnipeg, Vancouver), chaque organisme fournit ses services dans les deux langues dans un nombre de bureaux *au moins* proportionnel à la population minoritaire. Lorsque la population minoritaire est inférieure à 5 000 (par exemple, à Saint-Jean (Terre-Neuve), à Trois-Rivières, à London, à Regina), on offre les services clés suivants, selon le même calcul : Sécurité du revenu (pensions, allocations familiales, sécurité de la vieillesse), Postes, Centres d'emploi, Impôt et Secrétariat d'État.

Dans les petites villes et les régions rurales dont la minorité est supérieure à 500 personnes, représentant au moins 5 p. 100 de la population (par exemple, Lachute au Québec, North Bay en Ontario), les services de toutes les institutions fédérales locales sont également offerts selon la règle de proportionnalité. Lorsque l'importance absolue et relative de la minorité baisse — dans les zones de moins de 500 personnes et de plus de 5 p. 100 de la population ou de plus de 500 personnes et de moins de 5 p. 100 de la population (par exemple, Maniwaki au Québec, Red Deer en Alberta) — les services clés susmentionnés sont alors offerts ainsi que ceux de la GRC. Dans les autres cas, toute demande réelle et contrôlée dans la langue minoritaire supérieure à 5 p. 100 sera jugée importante.

Ces règles générales sont accompagnées de règles particulières. Ces dernières prévoient la prestation de services bilingues aux *voyageurs*. Il en sera de même lorsque leur nombre absolu laisse supposer une demande importante, comme c'est le cas notamment des aéroports de plus de un million de passagers, des gares et trajets maritimes de plus de 100 000 passagers, des trajets aériens et ferroviaires dont la tête de ligne et le terminus sont situés en Ontario, au Québec et au Nouveau-Brunswick, des postes frontières routiers de ces trois provinces où passent plus de 500 000 personnes, et le plus important poste frontière des autres provinces (sauf dans un aéroport). Il en est de même dans toute circonstance où la demande dans la langue minoritaire est supérieure à 5 p. 100.

L'avant-projet de règlement a également prévu des circonstances où la *nature* du service justifie que celui-ci soit fourni dans les deux langues : clientèles identifiées, missions à l'étranger, situations où la santé et la sécurité du public est en jeu, services dans les parcs nationaux et les Territoires, communications navire-terre, contrôle de la circulation aérienne et maritime, expositions ou jeux d'envergure, services informatisés ou à distance.

Finalement, un délai d'un an est prévu avant l'entrée en vigueur de la plupart des clauses du règlement. On peut se procurer le texte de l'avant-projet auprès de la Direction des langues officielles du Secrétariat du Conseil du Trésor.

Processus d'adoption

Conformément à la Loi, l'avant-projet a été déposé à la Chambre des communes. Trente jours de séance de la Chambre doivent s'écouler avant qu'il ne puisse être publié dans la Partie I de la *Gazette du Canada*. Les intéressés disposent alors de trente autres jours de séance (de la Chambre et du Sénat, cette fois) pour formuler leurs observations au président du Conseil du Trésor. À la suite de ce processus et une fois d'éventuelles modifications apportées, le règlement est publié dans la Partie II de la *Gazette* au nom du gouverneur en conseil. Dans les circonstances actuelles, la publication pourrait n'avoir lieu qu'à l'automne 1991 et l'entrée en vigueur qu'à l'automne 1992.

Étude de l'avant-projet par le Comité mixte

L'avant-projet fut référé par la Chambre au Comité mixte permanent des langues officielles qui, lors d'une première ronde de témoignages en décembre, entendit le président du Conseil du Trésor, le Commissaire, ainsi que des représentants des minorités de langue officielle les plus touchées par le règlement, tant du côté francophone qu'anglophone.

Le Comité entendit tout d'abord le témoignage du président du Conseil du Trésor, M. Gilles Loiselle, qui présenta les principes de l'avant-projet, en explicita les règles et signala certaines de leurs applications.

Le Commissaire fut invité à commenter l'avant-projet, le 5 décembre. Il rappela son accord, en règle générale, et souligna que le texte lui semblait susceptible de permettre une mise en œuvre méthodique des dispositions de la Loi, à condition que l'on applique de façon systématique la pratique de l'offre active, sans laquelle il ne saurait exister de véritable choix linguistique pour la clientèle minoritaire. C'est dans un esprit d'équité, de conformité avec l'esprit de la Loi et de cohérence qu'il proposa un certain nombre de suggestions. En voici les principales :

- dans les régions métropolitaines de recensement ayant une population minoritaire de plus de 5 000 personnes, la règle de proportionnalité devrait être réexaminée cas par cas afin de respecter à chaque bureau les clauses de la *Charte* et de la Loi, et le choix des bureaux et des modalités de services doivent se faire en consultation étroite avec la clientèle minoritaire;

- le critère proposé pour définir la « demande importante », reposant dans un grand nombre de cas sur le pourcentage de la population minoritaire par rapport à la population totale, établit des différences injustifiées entre des collectivités minoritaires de taille équivalente; seuls des indicateurs fondés sur des nombres absolus devraient donc être retenus;

- la gamme des services clés devrait être étendue aux organismes qui présentent, selon les régions, un intérêt particulier pour le développement des communautés minoritaires;

- pour les services aux voyageurs, le critère pour mesurer la demande devrait tenir compte de la forte présence d'étrangers, et les règles devraient reconnaître nommément les provinces de l'Ontario, du Québec et du Nouveau-Brunswick.

Parallèlement à ces recommandations portant sur le règlement même, le Commissaire demanda au Comité, d'une part, d'inviter le Conseil du Trésor à émettre sans tarder des directives nécessaires aux termes de la Loi et, d'autre part, d'inviter le gouverneur en conseil à présenter le reste de la réglementation le plus tôt possible au cours de l'année 1991, afin qu'elle entre en vigueur au plus tard cinq ans après l'adoption de la Loi.

Tous les intéressés ont été surpris au plus haut point par la déclaration de M. Gilles Loiselle, faite devant le Comité, selon laquelle le gouvernement n'avait pas « l'intention de déposer un règlement dans [le] domaine [de la langue de travail] prochainement, car [...] il n'est pas nécessaire d'en avoir ».

Le Commissaire rappela les nombreuses raisons qui rendent les règlements indispensables à une pleine mise en œuvre de la Loi, en particulier dans le domaine de la langue de travail et de la participation équitable. À cet égard, on ne saurait trop insister sur le fait que :

- les règlements ont un statut quasi juridique que n'ont pas les directives;
- les directives, dans la plupart des cas, s'adressaient surtout aux ministères, alors que la Loi s'applique également aux sociétés d'État;
- les simples directives n'ont pas réussi, en quelque vingt ans, à atteindre l'objectif d'égalité des deux langues visé par la Loi;
- les règlements permettraient de préciser les attentes du gouvernement en matière de participation équitable;
- les règlements définiraient le régime linguistique en milieu de travail : surveillance, communications, services aux employés, documentation, ainsi que tout autre élément susceptible de constituer un cadre de travail propice à l'utilisation des deux langues;
- et plus encore, le refus du gouvernement de déposer d'autres règlements pourrait être considéré comme un signe de son manque de confiance dans l'avenir linguistique du pays.

Le Comité mixte entendit ensuite les témoignages des représentants des associations minoritaires : Alliance-Québec, l'Association de la presse francophone, l'Association des médias régionaux du Québec et la Fédération des francophones

hors Québec. En règle générale, ces porte-parole se dirent d'accord avec la proposition du gouvernement et avec les suggestions du Commissaire. En présentant leurs remarques, ils soulignèrent également que :

- des critères fondés sur des pourcentages sont source d'inégalités — en particulier, la demande de la part du groupe minoritaire ne saurait être évaluée sans qu'on ait prévu une période raisonnable d'offre active. Alliance-Québec recommande que le critère du pourcentage de la demande soit éliminé ou à tout le moins revu, afin de s'appliquer aux communications et non aux services;

- le gouvernement doit trouver un moyen de tenir compte de la *vitalité* des communautés minoritaires, complément nécessaire des critères numériques. La Loi a d'ailleurs prévu des mesures réglementaires d'incitation, qui rejoignent ce concept de vitalité;

- cette vitalité se manifeste, par exemple, par la publication d'hebdomadaires dont la présence est importante, surtout à une période où la programmation régionale de Radio-Canada est réduite. La presse minoritaire représente également une forme essentielle d'offre active des services gouvernementaux;

- des mécanismes sont nécessaires pour préciser concrètement les droits linguistiques des Canadiens et pour assurer la mise en place de l'offre active;

- le calcul des estimations du recensement doit être précisé afin de mieux tenir compte de la population minoritaire — la Fédération des francophones hors Québec (FFHQ) recommande d'ajuster la norme de 5 000 personnes à 3 000 et celle de 500 à 300, si les chiffres utilisés demeurent ceux de la méthode I;

- les services aux voyageurs doivent être offerts sur tous les trajets;

- le Nouveau-Brunswick, qui a reconnu l'égalité de statut de ses deux communautés linguistiques, devrait se voir accorder un statut distinct.

Si l'on en juge par les interventions de ses membres, le Comité a semblé satisfait de la qualité des propositions des différentes associations, ainsi que de leur communauté de vues.

Le Commissaire intervint après cette première ronde de témoignages, afin de présenter une synthèse des mémoires et des discussions. En rappelant ses principales recommandations, il nota la convergence des opinions sur les principes fondamentaux et l'harmonie des points de vue dans la recherche d'une plus grande équité linguistique.

Avant d'entreprendre la rédaction de son rapport au Parlement, le Comité mixte a entendu au début de 1991, les témoignages de la haute direction de neuf organismes fédéraux, de groupes de pression et de syndicats de fonctionnaires.

En conclusion, on se saurait trop insister, à l'instar de certains membres du Comité, sur l'importance accordée par le législateur à la réglementation et le tort que son absence cause au public canadien et aux employés fédéraux. Aussi est-il essentiel, le premier règlement ne devant entrer en vigueur qu'un an après son adoption, que le gouvernement mette sur pied entre-temps les programmes d'information nécessaires et présente les autres avant-projets de règlements attendus, afin de réaffirmer sa confiance dans le principe fondamental de la dualité linguistique canadienne, confirmation d'autant plus importante que l'évolution constitutionnelle du pays est à un stade plus incertain.

3. Les droits linguistiques : un jugement historique en éducation

C'est en 1990 que la Cour suprême du Canada a rendu, dans l'affaire *Mahé et al.* (Alberta), sa décision historique qui s'inscrit généralement dans une perspective positive sur le sens et la portée de l'article 23 de la *Charte canadienne des droits et libertés*. Cet article porte sur les droits à l'instruction, à même les fonds publics, dans la langue de la minorité. Cependant, l'année 1990 a été peu féconde en matière de décisions judiciaires dans les autres domaines reliés aux langues officielles et aux droits linguistiques. Elle a néanmoins été marquée par quelques recours judiciaires se rapportant à la *Loi sur les langues officielles* et à l'aménagement linguistique dans la sphère fédérale, secteur qui devrait désormais recevoir une attention particulière à ce chapitre.

Après avoir présenté un compte rendu sommaire du jugement de la Cour suprême, nous traiterons, dans le présent chapitre, de deux avis consultatifs. Le premier, émis par la Cour d'appel du Manitoba, porte sur la compatibilité de la loi scolaire de cette province avec l'article 23 de la *Charte* et le second, émanant de la Cour d'appel du Québec, sur la compatibilité de la *Loi sur l'instruction publique* de cette province avec l'article 93 de la *Loi constitutionnelle de 1867*, en ce qui a trait aux droits scolaires confessionnels. Nous ferons ensuite état de certaines décisions judiciaires sur divers autres droits constitutionnels présentant une dimension linguistique ainsi que de l'adoption, par le Nouveau-Brunswick, d'une loi garantissant aux résidents francophones et anglophones de cette province le droit d'être compris directement dans leur langue par tous les tribunaux provinciaux. Puis, nous nous pencherons sur deux décisions concernant le statut du français et de l'anglais devant les tribunaux en Alberta, de même que sur les deux décisions relatives à la langue des formulaires édictés par le *Code criminel*.

Nous ferons également mention du rapport définitif du comité de rédaction constitutionnelle française des textes de la Constitution du Canada, déposé en décembre par le ministre de la Justice. Avant cette version française officielle, ces textes de loi n'avaient été adoptés uniquement qu'en version anglaise.

Sur la scène provinciale, nous traiterons des causes linguistiques ayant fait l'objet d'un seul jugement et opposant un groupe de citoyens de Rosemère, leur municipalité et Alliance Québec à l'Office de la langue française du Québec. Il sera ensuite question de l'intention de la Commission des transports de la communauté urbaine de Montréal d'interdire, dans ses véhicules, l'affichage d'annonces bilingues de recrutement pour les Forces canadiennes.

Nous aborderons ensuite les questions relatives au droit administratif fédéral. Ainsi, après avoir discuté des trois recours judiciaires entrepris en 1990, conformément à la Partie X de la *Loi sur les langues officielles*, nous ferons état de quatre litiges relatifs à l'aménagement linguistique dans la sphère fédérale.

Enfin, nous ne saurions passer sous silence le renouvellement, pour cinq ans, du Programme de contestation judiciaire qui, encore aujourd'hui, demeure un outil indispensable pour la promotion des droits de la personne, notamment les droits linguistiques. Au Canada, il est de notoriété publique que les droits linguistiques constituent un genre bien connu de droits de la personne et doivent en principe être abordés en conséquence.

I — LE DROIT CONSTITUTIONNEL À L'INSTRUCTION DANS LA LANGUE DE LA MINORITÉ

L'arrêt de la Cour suprême du Canada dans l'affaire *Mahé et al.* (Alberta)
La Cour suprême du Canada a créé en mars 1990, dans l'affaire *Mahé et al.* (Alberta), un véritable code de déontologie à l'intention des provinces en matière de droits à l'instruction dans la langue de la minorité. C'est à l'unanimité que le tribunal proclamait dans cette cause que :

> « L'objet général de l'article 23 de la *Charte* est de maintenir les deux langues officielles du Canada et les cultures qu'elles représentent, et [de] favoriser l'épanouissement de chacune de ces langues, dans la mesure du possible, dans les provinces où elle n'est pas parlée par la majorité. L'article cherche à atteindre ce but en accordant aux parents appartenant à la minorité linguistique des droits à un enseignement dispensé dans leur langue, partout au Canada. L'article 23 est destiné en outre à remédier, à l'échelle nationale, à l'érosion progressive des minorités parlant l'une ou l'autre langue officielle et à appliquer la notion de "partenaires égaux" des deux groupes linguistiques officiels dans le domaine de l'éducation. »

Selon la Cour suprême, l'article 23 attribue en premier lieu un droit général à l'instruction dans la langue de la minorité. Il s'agit toutefois, selon elle, d'un droit à échelle variable. En effet, le niveau supérieur de la gamme des exigences constitutionnelles possibles (c'est-à-dire le droit à des établissements) prévoit, lorsque le nombre le justifie, le droit de faire instruire les enfants dans des

établissements d'enseignement de la minorité, gérés par celle-ci et financés à même les fonds publics. Le terme « instruction », que l'on trouve aussi dans l'article 23, constitue en quelque sorte le niveau inférieur des droits conférés. Par ailleurs, rien n'empêche un gouvernement, s'il le juge à-propos, de fournir à sa minorité davantage que le minimum requis par cet article.

Lorsque le nombre le justifie, l'article 23 confère donc bel et bien aux parents de langue minoritaire un droit de gestion et de contrôle à l'égard des établissements d'enseignement où leurs enfants se font instruire. La Cour suprême précise que ce degré de gestion et de contrôle pourra, selon les circonstances et le nombre d'élèves, justifier l'existence d'un conseil scolaire indépendant pour les écoles de la minorité linguistique. Elle ajoute cependant que cela ne lui semble pas toujours être le meilleur moyen d'atteindre l'objectif fondamental visé, bien qu'il lui paraisse essentiel que le groupe linguistique minoritaire dispose d'un contrôle sur les aspects de l'éducation qui le concernent particulièrement ou qui touchent à sa langue et à sa culture.

Même s'il ne justifie pas l'existence d'un conseil scolaire indépendant, un nombre d'élèves suffisamment important pourra permettre la nomination d'un représentant de la minorité linguistique au sein d'un conseil scolaire existant. Cette représentation devra alors être garantie, et le nombre des représentants, au moins proportionnel au nombre d'élèves. Les représentants de la minorité devront aussi jouir du pouvoir exclusif de prendre des décisions concernant l'instruction dans leur langue et les établissements où cette instruction est offerte. Cette règle s'appliquera notamment aux dépenses de fonds, à la nomination et à la direction des administrateurs, aux programmes scolaires, au recrutement et à l'affectation du personnel, voire à la signature d'accords pour l'enseignement, ainsi qu'aux services connexes. Lorsque le nombre d'élèves ne justifie pas une représentation au sein du conseil scolaire, il faudra avoir recours à d'autres modes de gestion et de contrôle.

Compte tenu des données sur lesquelles se fonde la présente cause, les juges ont estimé que, selon la demande à Edmonton, il existe un nombre suffisant d'élèves pour justifier, aussi bien sur les plans pédagogique que financier, la présence d'une école indépendante, comme il y en a une à l'heure actuelle, ainsi que la mise sur pied d'un programme permanent à l'élémentaire et au secondaire. Le nombre d'élèves qui fréquenteront cette école ne lui paraît toutefois pas suffisant pour justifier la création d'un conseil scolaire distinct et indépendant. La Cour suprême conclut donc à un droit de représentation des francophones d'Edmonton au Conseil des écoles séparées (catholiques), assorti d'un degré de gestion et de contrôle en faveur des parents. Étant donné l'absence actuelle d'une formule de représentation permettant d'exercer ce droit de gestion, c'est à la province qu'il incombera, selon la Cour, d'adopter des mesures législatives (et, le cas échéant, des règlements) conformes aux exigences de l'article 23.

La Cour a tenu à préciser aussi que :

> « Les droits de gestion et de contrôle conférés par l'article 23 de la *Charte* aux parents appartenant à la minorité linguistique ne constituent pas une violation d'un "droit ou privilège [...] en matière d'écoles séparées" garanti à l'article 17 de la *Loi sur l'Alberta*. Les pouvoirs de gestion et de contrôle accordés à la minorité linguistique n'ont aucune incidence sur les droits relatifs aux aspects confessionnels de l'instruction ou les aspects non confessionnels connexes. Au contraire, le transfert des pouvoirs relatifs à la gestion et au contrôle consiste simplement en la réglementation d'un aspect non confessionnel de l'instruction, [à] savoir, la langue de l'enseignement. »

Le tribunal a noté que certains articles contestés de la loi scolaire n'interdisent pas aux autorités d'agir conformément à la *Charte*, sans garantir pour autant que les droits prévus à l'article 23 seront respectés. La Cour appréhendait que si la Loi était invalidée, comme l'avaient requis les appelants, les autorités n'eussent pu, temporairement, modifier le système afin de le rendre conforme aux exigences de la *Charte*. Et le tribunal de conclure sur ce point :

> « Premièrement, si la loi devait être invalidée, on peut présumer que les autorités publiques de l'Alberta seraient temporairement empêchées d'exercer leurs pouvoirs de façon à modifier le système en place pour le rendre conforme aux exigences de l'article 23. Deuxièmement, le véritable obstacle à l'exercice des droits des appelants n'est pas la loi existante, mais l'inaction des autorités publiques. Jusqu'à maintenant, la législature de l'Alberta a négligé de remplir l'obligation que lui impose l'article 23. Elle ne doit plus tarder à mettre en place un système approprié d'enseignement dans la langue de la minorité. »

De plus, la Cour a signalé que le règlement actuel, exigeant qu'au moins 20 p. 100 des heures de cours soient consacrées à l'enseignement en langue anglaise, lui posait un problème. En effet, les droits conférés par l'article 23 comprennent le droit général des parents de langue minoritaire de faire instruire leurs enfants en français : si un certain nombre d'heures d'enseignement obligatoire en anglais peut constituer une des limites raisonnables, et permissibles, à l'exercice de certains droits fondamentaux, comme le prévoit l'article premier de la *Charte*, la province n'avait pas prouvé en l'occurrence qu'il était nécessaire d'offrir chaque semaine dans les écoles francophones 300 minutes d'enseignement en anglais. Ce règlement n'est donc pas considéré comme justifiable en vertu de l'article premier de la *Charte* et il ne saurait être maintenu. En dépit de la clarté de cette décision, la Cour suprême n'en a pas moins laissé entrevoir dans son jugement la possibilité d'autres contestations en cette matière, si l'esprit des dispositions de la *Charte canadienne des droits et libertés* n'était pas respecté.

Cet arrêt s'inscrit dans le sillage des arrêts antérieurs rendus par le même tribunal dans des causes québécoises de même que dans celui des avis consultatifs sur l'article 23 émis dans divers renvois, notamment en Ontario et à

l'Île-du-Prince-Édouard. La Cour suprême a su donner à cette disposition de la *Charte* une interprétation large et généreuse, comme il sied de le faire en matière constitutionnelle, d'autant plus qu'au Canada, comme ce tribunal l'avait déjà souligné dans des jugements antérieurs, « les droits linguistiques constituent un genre bien connu de droits de la personne et devraient être abordés en conséquence ». Ayant reçu l'autorisation d'intervenir dans la cause, nous n'y avons pas manqué, vu notre vif intérêt pour les droits des minorités. Nous sommes très satisfaits de la décision, même si nous reconnaissons qu'elle ne mettra probablement pas un terme aux contestations judiciaires au sujet de l'article 23 de la *Charte*, notamment en ce qui a trait aux modalités de mise en œuvre des principes édictés par le plus haut tribunal. On verra à la Partie IV de ce rapport les suites qui ont été données, ou qui sont en voie de l'être, à cet important arrêt.

L'avis consultatif de la Cour d'appel du Manitoba

L'avis consultatif antérieur à l'arrêt rendu dans l'affaire *Mahé et al.*, en février 1990, par la Cour d'appel du Manitoba sur la compatibilité de la loi scolaire provinciale avec l'article 23 de la *Charte canadienne des droits et libertés*, n'était unanime que sur un point, de surcroît négatif : l'article 23 de la *Charte* n'accordait pas à la minorité le droit de gérer ses propres écoles. Par contre, quatre juges sur cinq estimaient les trois articles contestés de la loi scolaire incompatibles avec l'article 23 de la *Charte*, du fait que la loi y fixait à 23 le nombre minimum d'élèves, pour l'enseignement en langue minoritaire. Ils reconnaissaient à la minorité le droit à des établissements distincts, lorsque le nombre le justifie, mais ce droit ne constituait pas nécessairement un droit à des bâtiments séparés. Heureusement, l'arrêt de la Cour suprême cité plus haut dans l'affaire *Mahé et al.* a pu dissiper les inquiétudes suscitées par cet avis consultatif pour le moins ambigu.

Autres causes scolaires

Rappelons que d'autres causes importantes en matière de droits scolaires demeurent toujours pendantes devant les tribunaux, notamment en Ontario, où n'ont pas encore été plaidées les affaires *Association française des conseils scolaires de l'Ontario*, *Marleau* et *Séguin*. Ces causes portent sur divers aspects administratifs de la gestion scolaire, dont la représentation de la minorité francophone au sein des conseils scolaires et le financement de ses écoles. D'autres causes demeurent toujours inscrites devant les tribunaux à Terre-Neuve (*Comité de parents francophones de Saint-Jean*) au Québec (affaires *Griffin* et *Joël Hart*), en Alberta (affaires *Molgat* à Red Deer et *Société des parents pour l'éducation en langue française* de Saint-Paul), en Saskatchewan (*Association provinciale des parents francophones*), en Ontario, (affaires *Gérard Piette c. Sault Ste. Marie Board of Education*, et *Dorion c. le ministre de l'Éducation*).

Quatre nouvelles causes se rapportant principalement à la gestion des écoles viennent par ailleurs d'être présentées devant les tribunaux depuis l'arrêt *Mahé et al.*, une dans les Territoires du Nord-Ouest (*Comité de parents francophones*

de Yellowknife) et deux en Saskatchewan (*École Monseigneur de Laval* à Regina et *Association des parents francophones de l'école Beau Soleil* à Gravelbourg), tandis qu'au Manitoba, la Fédération provinciale des comités de parents francophones s'appuie sur le jugement de la Cour suprême du Canada dans l'affaire *Mahé et al.* pour faire confirmer les droits scolaires des Franco-Manitobains.

II — LES DROITS SCOLAIRES CONFESSIONNELS

Le renvoi de la Cour d'appel du Québec relatif à la *Loi sur l'instruction publique*

Dans une décision très importante pour l'avenir du système d'éducation québécois, la Cour d'appel de cette province émettait en septembre un avis consultatif déclarant la nouvelle *Loi sur l'instruction publique* adoptée en 1988 conforme dans l'ensemble aux exigences de l'article 93 concernant les garanties accordées aux écoles confessionnelles dans la *Loi constitutionnelle de 1867*. Cette nouvelle loi, dont la plupart des dispositions sont déjà en vigueur, vise à transformer les structures confessionnelles du système d'éducation en structures linguistiques, dans le respect des droits confessionnels protégés par la Constitution.

Bien que cet avis consultatif traite essentiellement des droits confessionnels protégés en matière d'instruction publique, il présente un intérêt évident pour la minorité anglophone du Québec ainsi que pour les minorités francophones de l'Ontario et de plusieurs autres provinces canadiennes régies par l'article 93 ou par une disposition équivalente.

Après s'être livré à une analyse détaillée de la situation des écoles dissidentes — protestantes et catholiques — au moment de la Confédération, et avoir examiné les décisions antérieures sur la question tant du Conseil privé impérial que de la Cour suprême du Canada, le tribunal en déduit que l'article 93 garantit à la minorité protestante ou catholique le droit à la dissidence en dehors des villes de Québec et de Montréal. Par contre, dans ces deux villes, catholiques et protestants ont obtenu le droit à la confessionnalité scolaire, ce qui écarte la nécessité pour la minorité d'insister sur le droit à la dissidence. L'article 93 avait donc pour but de protéger les consciences et non d'accorder aux citoyens le droit constitutionnel d'avoir un système d'enseignement à la fois public et confessionnel. Il entendait donc édicter qu'en présence d'un système d'enseignement public permettant à la majorité d'imprimer un caractère religieux aux écoles, la minorité puisse faire bande à part : c'est donc le droit à la dissidence et les droits reconnus aux catholiques et aux protestants de Québec et de Montréal qui sont protégés par la Constitution. À la limite, la législature pourrait même faire disparaître les commissions scolaires confessionnelles dans ces deux villes, pourvu qu'elle respecte le droit à la dissidence.

Le tribunal reconnaît donc que les droits des citoyens à la dissidence sont dans l'ensemble clairement respectés par la *Loi sur l'instruction publique* de 1988. Ainsi, cette loi permet l'établissement d'écoles et de commissions scolaires

confessionnelles dissidentes et prévoit un système permettant aux minorités de contrôler l'enseignement moral et religieux de leurs enfants. La Cour confirme, en revanche, que c'est le gouvernement de la province qui détient les pleins pouvoirs de modifier les structures scolaires et que ce dernier dispose de nombreux moyens pour assurer le maintien du droit à la dissidence.

La Cour anticipe, par ailleurs, dans la mise en œuvre de la Loi, certaines difficultés qui pourraient survenir au cours de la phase de transition du système actuel au système proposé, vu l'absence de dispositions transitoires appropriées. Elle craint notamment qu'à cette occasion, certaines violations de leurs droits constitutionnels touchent ces minorités. Elle signale aussi que les pouvoirs attribués au conseil scolaire de l'île de Montréal, qui regroupe des représentants de toutes les commissions scolaires de l'île, lui permettant de contracter des emprunts pour le compte de commissions scolaires dissidentes, occasionneraient des problèmes susceptibles de porter atteinte aux droits des commissions scolaires ou des écoles confessionnelles.

En conclusion, tous les juges s'accordent pour dire que les droits protégés par l'article 93 se limitent aux aspects confessionnels des écoles. Toutes les autres questions sont du ressort du législateur provincial, et si l'accès aux écoles confessionnelles n'est pas garanti à d'autres groupes religieux que les catholiques ou les protestants, l'admission d'élèves embrassant d'autres religions ne constitue pas un élément nécessaire à la sauvegarde du caractère confessionnel des écoles. Bien que l'Assemblée nationale du Québec ait cherché à rassurer sur tous ces points en adoptant, à la fin décembre, le *projet de loi n° 102*, l'affaire n'en a pas moins été portée en appel en Cour suprême du Canada.

Soulignons la possibilité que dans d'autres domaines régis par l'article 93, ou une disposition constitutionnelle équivalente, la minorité linguistique demande aux autorités des réformes de structures administratives ou de mécanismes de gestion et de contrôle. Il est donc opportun de rappeler ici que la Cour suprême du Canada, dans l'arrêt *Mahé et al.*, a bien précisé que « les droits de gestion et de contrôle conférés par l'article 23 de la *Charte* aux parents appartenant à la minorité linguistique ne constituent pas une violation des droits ou privilèges en matière d'écoles séparées » (de caractère confessionnel).

III — LA TRADUCTION DES DOCUMENTS INCORPORÉS PAR RENVOI DANS UNE LOI BILINGUE

Les affaires *Brunet, Albert* et *Collier* (Québec)
Dans ces trois causes québécoises reliées entre elles quant à leur fondement juridique, la Cour suprême du Canada a statué en février que deux lois adoptées en 1982, concernant la rémunération et les conditions de travail dans le secteur public et parapublic provincial, étaient inconstitutionnelles car elles ne respectaient pas les exigences de l'article 133 de la *Loi constitutionnelle de 1867*.

La Cour statua que l'incorporation dans une loi québécoise bilingue d'un renvoi à un document unilingue ne saurait rendre la loi valide, lorsque la portée de la loi a pour effet d'imposer une norme juridique découlant directement de ces documents non traduits auxquels la loi se réfère. Sans un texte bilingue de ces documents, la loi n'a guère d'utilité. La teneur des conventions collectives relatives aux mesures salariales et aux conditions de travail qui avaient été déposées en français seulement à l'Assemblée législative entachait donc cette loi de nullité, en dépit du fait que le texte législatif lui-même eût été adopté dans les deux langues.

Albert Sinclair et autres c. Procureur général du Québec,
Cité de Noranda et Cité de Rouyn, mises-en-cause
La Cour d'appel du Québec renversait à l'unanimité en janvier un jugement de la Cour supérieure rendu en 1986, et accueillait le pourvoi des requérants qui cherchaient à faire annuler la fusion des villes de Noranda et de Rouyn. La Cour y déclara inconstitutionnels, nuls et inopérants les documents unilingues français suivants en raison de leur caractère normatif : 1) le décret ordonnant l'émission des lettres patentes des villes de Rouyn et de Noranda, publiées dans la *Gazette officielle du Québec;* 2) les lettres patentes de la ville de Rouyn-Noranda; 3) l'avis ayant pour effet de mettre ces lettres patentes en vigueur. Ces déclarations de nullité se fondent sur l'unilinguisme français des textes visés. La Cour estime que ces textes ont un caractère législatif et non simplement administratif, ce qui les rend contraires aux exigences de l'article 133 de la *Loi constitutionnelle de 1867.*

Pour la Cour, c'est la nature d'un acte qui caractérise celui-ci, et non pas le titre qu'on lui donne ou la façon de le présenter. Certes, la législation déléguée peut revêtir diverses formes, mais l'acte de légiférer n'en demeure pas moins de nature réglementaire ou normative, par opposition aux actes de nature administrative. Le processus adopté ici par le législateur comportait bel et bien des caractéristiques de la législation déléguée, en ce sens qu'il avait scindé une loi en étapes distinctes mais nécessaires; or, les troisième et quatrième étapes constituaient sûrement elles aussi une forme de législation déléguée. Cette affaire a été portée en appel en Cour suprême du Canada.

Les décrets provinciaux au Manitoba
On se souviendra qu'en 1989, la Cour d'appel du Manitoba statuait à l'unanimité que les décrets provinciaux, rédigés en anglais seulement, relatifs à une commission d'enquête sur l'administration de la justice et les peuples autochtones étaient invalides et inopérants. En effet, pour cette Cour, ces décrets ne constituaient pas seulement « une règle ou une directive de gestion interne » pour l'administration, mais bien une législation déléguée de la législature du Manitoba touchant le public. De ce fait, ces décrets demeuraient donc soumis aux exigences du bilinguisme législatif, en vertu de l'article 23 de la *Loi de 1870 sur le Manitoba.*

Cette affaire a été portée en Cour suprême du Canada par le gouvernement de la province et la Société franco-manitobaine, en vertu de l'ordonnance exceptionnelle rendue par ce tribunal en 1985 entérinant un arrangement pris hors cour entre tous

les intéressés qui avaient donné leur accord à l'engagement du Manitoba de traduire ses lois et ses règlements. Cette ordonnance prévoit en effet que toute partie à l'accord peut, en cas de nécessité, demander à la Cour suprême de clarifier une partie de son avis consultatif de 1985 dans le renvoi fédéral sur l'article 133 de la *Loi constitutionnelle de 1867* et sur l'article 23 de la *Loi de 1870 sur le Manitoba*.

IV — LE DROIT À UN PROCÈS DANS LA LANGUE OFFICIELLE DE SON CHOIX

L'affaire *Boudreau* (Nouveau-Brunswick)

En septembre, la Cour d'appel du Nouveau-Brunswick accueillait favorablement l'appel de Denis Boudreau, qui voulait faire annuler la décision rendue l'année précédente par un juge de la Cour du banc de la reine ordonnant la tenue d'un nouveau procès dans sa cause en Cour provinciale. Ce tribunal avait au départ rejeté comme élément de preuve les résultats d'un alcootest fournis en anglais seulement, alors que la cause se déroulait en français. La Cour d'appel confirmait ainsi les principes sur lesquels s'était fondé un autre jugement rendu en novembre 1989 dans une cause parallèle, l'affaire *Gautreau*, par un juge de la Cour du banc de la reine du Nouveau-Brunswick.

La Cour d'appel statuait ici à l'unanimité sur trois points : 1) un accusé a le droit de subir son procès au Nouveau-Brunswick dans l'une ou dans l'autre des langues officielles; 2) il jouit aussi, comme tous les autres accusés au pays, du droit d'avoir un procès juste et équitable et 3) un tribunal a le devoir d'assurer l'exercice de ce droit, en se servant des moyens raisonnables et nécessaires pour permettre à l'accusé de comprendre les procédures, la preuve et les plaidoiries. La Cour précise cependant que l'accusé aurait pu renoncer à son droit à une traduction et le juge aurait pu exercer sa discrétion pour en dispenser le témoin, ce qu'il s'était abstenu de faire dans cette cause.

La législation linguistique au Nouveau-Brunswick

L'Assemblée législative du Nouveau-Brunswick a adopté, à la fin de l'année, une loi qui permettra désormais aux justiciables francophones et anglophones d'être entendus par un juge ou un tribunal administratif qui comprend leur langue. Cette loi vient corriger dans cette province les effets de l'arrêt de la Cour suprême du Canada qui avait statué dans la cause de la Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) en 1986 que le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent, prévu au paragraphe 19(2) de la *Charte canadienne des droits et libertés* et à la *Loi sur les langues officielles* de la province ne comprenait pas la garantie d'être compris directement par le tribunal, dans l'une ou l'autre de ces langues.

Promise par le premier ministre McKenna lors de l'assemblée annuelle 1989 de l'Association des juristes d'expression française du Nouveau-Brunswick, cette

loi reconnaît à « une personne [le droit] d'être entendue par un tribunal qui comprend, sans avoir besoin de traduction, la langue officielle dans laquelle la personne a l'intention de procéder ». Elle élargit aussi les pouvoirs de nomination actuels de telle sorte que ce droit puisse être mis à exécution.

Bien que depuis quelques années, les personnes accusées d'un acte criminel aient déjà le droit de comparaître devant un juge qui parle et comprend leur langue, le ministre de la Justice et procureur général de la province a précisé, en présentant le projet de loi à l'Assemblée législative, que la nouvelle loi s'étendra désormais aux tribunaux civils, quasi judiciaires et administratifs.

La SAANB a par la suite réclamé qu'un amendement de même nature soit aussi apporté à la Constitution du Canada. Avant que cette modification ne soit inscrite dans la Constitution une résolution à cet effet devra être adoptée par l'Assemblée législative de la province et, les deux chambres du Parlement canadien devront adopter, à leur tour, une résolution en ce sens, autorisant le gouverneur en conseil à émettre une proclamation à cette fin.

L'article 110 de la *Loi sur les Territoires du Nord-Ouest* (1891)

Dans un bref jugement unanime rendu en octobre 1990, la Cour suprême du Canada statua, dans l'affaire *Paquette*, que l'article 110 de la *Loi sur les Territoires du Nord-Ouest* (1891) demeure toujours en vigueur dans la province de l'Alberta (et par ricochet en Saskatchewan), pour les poursuites de nature criminelle ou comportant des conséquences pénales intentées selon les lois fédérales. Pour plus de précisions, le tribunal renvoyait à l'arrêt *Mercure* de 1981 afin de disposer du reste de la question.

L'accusé Paquette avait réclamé depuis 1984, dans une cause criminelle, le droit d'utiliser le français à son procès en Alberta. À cette fin, il invoquait l'article 110 de la *Loi sur les Territoires du Nord-Ouest* de 1891, qui a depuis fait l'objet de l'arrêt *Mercure* en 1988 (Saskatchewan).

Les droits linguistiques prévus à la Partie XVII du *Code criminel* dépassent à la fois ceux édictés à l'article 110 et ceux reconnus dans la *Loi linguistique de l'Alberta* de 1988, notamment, dans ce dernier cas, pour les documents écrits et, dans les deux cas, en ce qui a trait à la compréhension directe des témoignages par le juge et les jurés. Par contre, en matière de compétence fédérale, autre que le *Code criminel*, notamment dans les aspects punitifs du droit administratif, l'article 110 permet des témoignages et le dépôt de documents en français comme en anglais. Ces droits pourraient être plus étendus que dans les autres juridictions de *common law* qui ne reconnaissent pas formellement le droit d'employer le français dans leurs cours de justice.

Une nouvelle « affaire *Lefebvre* » en Alberta

Un juge de la Cour du banc de la reine de l'Alberta décidait en octobre que l'ingénieur Yvon Lefebvre, accusé d'une infraction au Code de la route, avait le

droit de s'exprimer en français, oralement et par écrit, devant la Cour provinciale. Or, la *Loi linguistique*, adoptée en 1988, ne permet que l'utilisation orale du français.

Le juge déclara que la législature albertaine devrait modifier sa loi linguistique, en y ajoutant une disposition reconnaissant aux citoyens de l'Alberta le droit de plaider leur cause et de soumettre des déclarations écrites en français, ainsi que de déposer auprès de la Cour du banc de la reine des documents rédigés en cette langue. Le tribunal renvoya donc le dossier à la Cour provinciale devant laquelle M. Lefebvre aura aussi « le droit de présenter des communications orales et écrites en français ».

Le magistrat fonde son opinion principalement sur les dispositions de la *Charte canadienne des droits et libertés* (droits à l'égalité et à la liberté d'expression) et sur la jurisprudence de la Cour suprême du Canada dans les affaires linguistiques récentes au Québec. Et il observe en conclusion :

> « La Couronne est soumise à des jugements déclaratoires, et bien qu'aucune obligation juridique ne découle d'une déclaration judiciaire selon laquelle la Couronne est tenue par la Constitution de modifier un règlement ou qu'un certain texte législatif sera contraire à la Constitution tant qu'il n'aura pas été modifié par l'Assemblée législative compétente, la pression politique devrait être suffisante pour amener le gouvernement en cause à modifier le texte conformément à la décision du tribunal » [notre traduction].

V — LE CODE CRIMINEL : LA LANGUE DES FORMULAIRES

L'affaire *Lavoie* (Québec)
En mars, un juge de la Cour supérieure du Québec statuait dans une affaire criminelle (l'affaire *Lavoie*) que le formulaire de « promesse de comparaître », figurant au *Code criminel*, devait comporter un texte imprimé dans les deux langues officielles en vertu du paragraphe 841(3) du code et ce, indépendamment du nom patronymique d'un suspect ou encore de sa langue. L'unilinguisme du formulaire entraîna donc la nullité de la promesse de comparaître de l'accusée.

L'affaire *Sorenson* (Ontario)
Par contre, un juge de la Haute Cour de Justice de l'Ontario décidait en juin dans l'affaire *Sorenson* que « le fait que la Couronne n'a pas respecté son obligation d'utiliser un formulaire imprimé dans les deux langues officielles n'annule pas les renseignements ainsi fournis », pourvu que ceux-ci soient conformes en tout autre point aux exigences du *Code criminel*. Si, toutefois, « le non-respect de cette obligation avait pour effet d'induire l'accusé en erreur ou si la dérogation résultait dans une déformation des renseignements ainsi communiqués », le formulaire serait alors jugé invalide [notre traduction].

Il ne sera certes pas facile aux tribunaux de concilier les droits linguistiques de chacun dans un contexte où Constitution et loi ordinaire, droit ancien et droit nouveau, loi parlementaire et législation déléguée, dispositions fédérales et dispositions provinciales, droit criminel et droit civil se conjuguent pour former un casse-tête qu'on aura sans doute peine à assembler dans un système cohérent. Il est à souhaiter, en tout cas, que l'empirisme qui a présidé à la formation de ce casse-tête s'enrichisse avec le temps d'une certaine dose d'esprit cartésien, si on entend que s'y retrouvent les juristes, pour ne pas parler des justiciables.

Même dans ce domaine très précis de compétence exclusivement fédérale qu'est la procédure en matière criminelle, on devra assister pendant encore quelque temps à un flottement inévitable selon les juridictions et les cours de justice chargées de l'interprétation de ces dispositions. On observera probablement encore pendant un certain temps des tendances variées, comme ce fut le cas ces dernières années au sujet du droit d'employer une des langues officielles dans les affaires dont sont saisis divers tribunaux, du droit de subir son procès devant un juge ou un jury qui « parle » la langue officielle choisie par l'accusé, ou encore le droit d'un accusé de prendre connaissance de la preuve fournie contre lui dans la langue officielle de son choix. Les magistrats à tous les niveaux de l'appareil judiciaire auront encore ici à faire preuve de beaucoup d'imagination au cours des prochaines années pour démêler cet écheveau.

VI — LE RAPPORT DÉFINITIF DU COMITÉ DE RÉDACTION CONSTITUTIONNELLE FRANÇAISE DES TEXTES DE LA CONSTITUTION DU CANADA : LA CONSTITUTION CANADIENNE SERA BIENTÔT OFFICIELLEMENT BILINGUE

Signalons qu'en décembre, le ministre de la Justice déposait le rapport définitif du comité de rédaction constitutionnelle française; ce comité avait été institué en 1984 afin d'aider le ministre à établir, ainsi que le prévoit la *Loi constitutionnelle de 1982*, la version française de certains textes constitutionnels qui figurent à l'annexe de cette loi.

Ce rapport porte sur plus de 30 textes constitutionnels, dont la *Loi constitutionnelle de 1867* et les lois qui l'ont modifiée. Ces textes avaient été soit adoptés uniquement en anglais par le Parlement du Royaume-Uni, soit fondés sur des textes adoptés uniquement en anglais et traditionnellement accompagnés d'une traduction française sans caractère officiel.

Ce rapport, qui représente des années de travail de rédaction d'un projet de version française officielle de la plus grande partie de la Constitution du Canada, constitue une étape importante dans la réalisation d'une version française officielle de notre Constitution.

En vertu de l'article 55 de la *Loi constitutionnelle de 1982*, le ministre de la Justice du Canada avait été chargé de rédiger, dans les meilleurs délais, la version française des parties de la Constitution du Canada qui figurent à l'annexe I de cette loi; toute partie suffisamment importante doit, dès qu'elle est prête, être déposée pour adoption par proclamation du gouverneur général sous le grand sceau du Canada, « conformément à la procédure applicable à l'époque à la modification des dispositions constitutionnelles qu'elle contient ».

VII — LES CAUSES LINGUISTIQUES ET UNE AFFAIRE LINGUISTIQUE PROVINCIALE

La ville de Rosemère et l'Office de la langue française

La Cour supérieure a rendu en août un seul jugement dans les deux causes opposant un groupe de citoyens de Rosemère, la municipalité et Alliance Québec à l'Office de la langue française du Québec. Cette municipalité contestait le pouvoir de l'Office de lui retirer le statut (qu'il lui avait déjà reconnu en 1982) de municipalité desservant une population majoritairement non francophone et les avantages qui y sont rattachés.

Le tribunal annulait ainsi pour vice de procédure la décision de l'Office de la langue française rendue en 1988 de retirer à la ville ce statut, l'Office ayant eu recours à une méthode essentiellement statistique pour atteindre son verdict, sans offrir à la ville ou à ses représentants la possibilité de se faire entendre. Le tribunal conclut donc que la ville devait conserver le statut qui lui avait été reconnu antérieurement.

Par contre, le juge a estimé que l'Office avait le pouvoir, voire le devoir, dans certaines circonstances, de retirer à une municipalité ou à un organisme ce statut linguistique d'exception. Il ne croit pas qu'une telle décision ait pour effet de restreindre la liberté d'expression des membres de la municipalité, comme le prétendait certains intervenants au dossier.

Ce jugement se fonde sur le caractère essentiellement discrétionnaire et administratif de la décision de l'Office. Pour le tribunal, cet exercice de la compétence administrative n'en est pas moins régi par les règles de protection de la justice fondamentale, dont l'obligation d'agir équitablement. La règle de l'équité procédurale s'applique en effet à toute décision d'un organisme quasi judiciaire ou administratif qui touche aux droits, aux privilèges ou aux biens d'une personne, comme le confirme d'ailleurs la jurisprudence établie. Pour le tribunal, le retrait de cette reconnaissance rend cette règle d'autant plus impérative que des privilèges accordés seront dorénavant retirés : le préjudice ainsi créé est habituellement plus grave que le refus d'octroyer ce statut, et les effets en sont plus sérieux, étant donné la situation de fait qui s'est alors établie.

Les annonces bilingues du gouvernement fédéral peuvent-elles être bannies des véhicules de la CTCUM ?

La Commission des transports de la communauté urbaine de Montréal (CTCUM) avait déclaré, à la fin de l'année, son intention de retirer de ses véhicules des annonces bilingues de recrutement pour les Forces canadiennes, parce qu'elles enfreindraient la *Charte de la langue française*.

La Commission invoquait à l'appui de cette décision l'opinion de son contentieux que la loi 178, qui modifiait en 1988 l'article 58 de la *Charte de la langue française*, stipule que l'affichage public et la publicité commerciale doivent se faire uniquement en français « à l'intérieur de tout moyen de transport public et de ses accès ».

Or, l'article 58 de la *Charte* se trouve dans un chapitre de la loi 101 traitant de la langue du commerce et des affaires : il interdit donc l'utilisation d'une autre langue que le français à certains égards par les entreprises et non par un gouvernement. De plus, en vertu de l'article 22 de cette *Charte*, c'est l'administration provinciale qui n'utilise que le français dans l'affichage; l'administration fédérale n'étant pas visée, elle échappe de fait à cette exigence de la loi 101.

Mais il y a plus : la communication avec le public constitue un élément essentiel de l'activité gouvernementale fédérale; un empêchement à cet égard équivaudrait à donner à une province le pouvoir d'interdire au gouvernement fédéral de gérer les domaines de sa compétence comme il l'entend, et notamment dans les deux langues officielles. Tout obstacle indu serait évidemment intolérable. Enfin, une jurisprudence bien établie confirme qu'en cas de divergence entre deux dispositions également valides, l'une édictée par la province, l'autre édictée par Ottawa, la loi fédérale est réputée prévaloir dans la mesure de l'incompatibilité.

Nous nous sommes donc réjouis de constater que la Commission de protection de la langue française avait indiqué, par la voix de sa présidente, M^me^ de Fougerolles, que la loi 101 dans son ensemble ne s'appliquait pas à la publicité et à l'affichage du gouvernement fédéral. Par la suite, le président de la CTCUM annonçait qu'il avait demandé à nouveau l'opinion de son contentieux à ce sujet. Pour l'instant, les choses en sont là.

Nous aimerions cependant profiter de l'occasion pour citer un arrêt de la Cour suprême du Canada d'octobre 1990 dans la cause de la *Commission des champs de Batailles nationaux* c. *Commission de transport de la communauté urbaine de Québec*. Bien que cet arrêt ne soit relié qu'indirectement à cette question, on y trouve un passage fort éloquent relatif à la compétence fédérale et aux lois provinciales qui nous semble se rapporter à ce genre de situation :

> « Les ouvrages, entreprises, services, choses ou personnes qui tombent sous l'empire de la compétence fédérale demeurent assujettis aux lois provinciales

d'application générale pourvu toutefois que cet assujettissement n'ait pas pour conséquence que ces lois les atteignent dans ce qui constitue justement leur spécificité fédérale. C'est la responsabilité fédérale fondamentale à l'égard d'une chose ou d'une personne qui détermine ses dimensions spécifiquement fédérales, celles qui font partie intégrante de la compétence fédérale exclusive sur cette chose ou cette personne. Lorsqu'il s'agit d'un service fédéral, sa spécificité est atteinte si la loi provinciale touche un élément vital ou essentiel de sa mise en place, de sa gestion ou de son exploitation. »

Les langues officielles du Canada, en l'occurrence le bilinguisme d'une annonce destinée au recrutement dans les Forces canadiennes, constituent à n'en point douter un élément vital et essentiel de la mise en place de la gestion et de l'exploitation d'un service fédéral. Il reste à déterminer si une entreprise de transport en commun possède le droit d'exclure une annonce ou une réclame de ce genre.

VIII — LE DROIT ADMINISTRATIF FÉDÉRAL : LA *LOI SUR LES LANGUES OFFICIELLES* (1988) ET L'AMÉNAGEMENT LINGUISTIQUE

a) Le recours judiciaire

On sait que la *Loi sur les langues officielles* de 1988 donne à toute personne, ayant déposé au Commissaire une plainte portant sur certaines dispositions spécifiques de la Loi, le droit de présenter son cas devant la Cour fédérale, division de première instance. Cette procédure peut être exercée par le plaignant, seul ou avec le concours du Commissaire.

Un seul recours judiciaire a été exercé par le Commissaire à ce jour. Il a été déposé en septembre 1990 et mettait en cause la société Air Canada. Le recours porte sur l'interprétation et l'application de l'article 30 de la Loi, relatif aux communications des institutions fédérales avec le public et concerne directement la presse périodique de langue minoritaire. La Cour fédérale n'a pas encore entendu l'affaire. Deux autres recours ont aussi été intentés par des plaignants en 1990, sans le concours du Commissaire : il s'agit des affaires *Côté et Institut professionnel de la fonction publique;* elles portent principalement sur l'article 91 de la Loi, relatif aux exigences linguistiques dans le cadre d'une dotation en personnel. Aucune de ces trois causes n'a fait l'objet d'une décision judiciaire au cours de l'année.

b) Litiges se rapportant à l'aménagement linguistique dans la sphère fédérale

1. La prime au bilinguisme : l'affaire *Gingras*

En janvier, dans l'affaire *Gingras*, la Cour fédérale statuait qu'un ancien agent de la Gendarmerie royale du Canada et du Service canadien de renseignement de

sécurité avait droit à la prime au bilinguisme au même titre qu'un fonctionnaire fédéral. Sa réclamation fut considérée prescrite pour la période s'échelonnant entre 1976 et 1979, en vertu des règles du *Code civil* du Québec, province où il avait intenté son action en 1985. Son droit à la prime n'en fut pas moins confirmé rétroactivement pour la période de 1980 à 1988, date de sa mise à la retraite. Le tribunal conclut en effet que cette exclusion du personnel de ces deux organismes qui relèvent de la *Loi sur les relations de travail dans la fonction publique* établissait une discrimination illicite en vertu des règles du droit administratif. Cette décision, qui a été portée en appel, pourrait avoir des conséquences importantes pour le personnel de ces deux organismes. Quant aux Forces canadiennes et aux sociétés d'État, le jugement ne les touche pas, sauf pour le personnel des sociétés d'État qui est régi par les règles en vigueur dans la fonction publique et qui, de toute façon, bénéficie déjà de la prime.

2. Le bilinguisme des membres des comités de sélection : l'affaire *McKinnon*

En mai, la Cour fédérale, division d'appel, statuait dans l'affaire *McKinnon* que le niveau « A » (le moins avancé des trois niveaux de compétence en langue seconde du profil linguistique des fonctionnaires) ne suffit pas pour permettre une communication efficace, sans recourir à un interprète, avec un candidat à l'emploi dans la fonction publique fédérale qui manifeste son désir d'être interviewé dans sa langue ou dans les deux langues à la fois.

C'est pour ce motif que le tribunal entérinait ainsi la décision d'un comité d'appel annulant le verdict d'un comité de sélection. Ce jugement fut rendu sans préjuger de la décision du comité d'appel qui avait statué aussi que le niveau intermédiaire « B » ne suffisait pas non plus à assurer une communication efficace entre un candidat et tous les membres du comité. Ceci indique que la Commission de la fonction publique devra faire preuve de plus de vigilance à cet égard dans la formation de ses comités de sélection, de manière à respecter intégralement les droits linguistiques de tous les candidats.

3. La désignation des exigences linguistiques d'un poste : les affaires *Viola* et *Jollimore*

a*) l'affaire *Viola

En novembre, la Cour fédérale, division d'appel, renversait une décision rendue en 1989 par un comité d'appel de la Commission de la fonction publique dans l'affaire *Viola* et accueillait favorablement le pourvoi du procureur général du Canada, en s'appuyant sur l'arrêt *Rickets* rendu par la division d'appel de la Cour fédérale en 1983 en vertu de la *Loi sur les langues officielles* de 1969. La Cour fédérale statua donc, encore cette fois-ci, qu'un président de comité d'appel avait examiné une question qui échappait à sa compétence, en cherchant à vérifier si les exigences linguistiques du poste étaient justifiées et à déterminer si elles n'avaient pas été établies de façon arbitraire et irrégulière contrairement

aux prescriptions de la *Loi sur les langues officielles* de 1988. La conclusion du comité, selon laquelle il y avait lieu de douter du mérite de ces nominations, ne saurait donc être maintenue.

Cet arrêt est intéressant pour la portée de l'article 91 de la *Loi sur les langues officielles* de 1988. Le tribunal, en précisant que les exigences linguistiques doivent s'imposer « objectivement », confirme expressément ce qui a toujours été sous-entendu, soit que les exigences linguistiques ne peuvent être posées de manière arbitraire ou par simple caprice. Cependant, cet article ne confère pas de droit nouveau; il veut plutôt, selon la Cour, rassurer et réconforter. Il serait vain de chercher à attribuer une compétence nouvelle au comité d'appel, d'autant plus que le paragraphe 77(1) de la Loi, relatif au recours judiciaire, permet expressément de saisir le Commissaire, et non le comité d'appel, d'une plainte fondée sur cet article. Par ailleurs, il semble, selon l'article 35 (obligations des institutions fédérales en matière de langue de travail) et le paragraphe 39(2) (obligations des institutions fédérales en matière de participation), qu'il incombe au ministère intéressé et non à la Commission de la fonction publique de veiller, dans l'établissement des langues de travail, au respect de la *Loi sur les langues officielles*.

Mais, il y a davantage encore : selon les juges, les dispositions précitées indiquent que le Parlement a porté son attention sur la question de la sélection fondée sur le mérite. S'il avait voulu profiter de l'occasion pour conférer une compétence nouvelle au comité d'appel, il l'aurait très certainement fait, en même temps qu'il instituait un nouveau recours judiciaire dans la Partie X de la *Loi sur les langues officielles* de 1988. Il ne faut pas oublier en effet que si la Loi consacre le droit des agents de l'État d'utiliser l'une ou l'autre des langues officielles (article 34), elle consacre également le droit du public d'être servi conformément aux dispositions de la Partie IV, dans l'une ou l'autre langue (article 21). Il est permis de penser que le législateur n'a pas jugé opportun de faire du comité d'appel l'instrument décisionnel approprié pour juger les droits respectifs des agents de l'État et du public dans le domaine particulièrement sensible de la langue de travail et de la langue de service au sein de l'appareil du gouvernement fédéral. Le Parlement pouvait très certainement préférer confier cette tâche délicate au Commissaire et à des juges, et il serait imprudent, selon la Cour, de remettre cette préférence en question.

Le tribunal signale aussi le caractère quasi constitutionnel de la *Loi sur les langues officielles* qui n'est pas une loi ordinaire, car elle reflète à la fois la Constitution du pays et le compromis social et politique dont il est issu. Dans la mesure où elle reflète l'expression exacte de la reconnaissance des langues officielles inscrite aux paragraphes 16(1) et 16(3) de la *Charte canadienne des droits et libertés*, cette loi obéira donc aux règles d'interprétation de la *Charte*, telles qu'elles ont été définies par la Cour suprême du Canada. Par ailleurs, dans la mesure où elle constitue un prolongement des droits et des garanties reconnus dans la *Charte*, tant par son préambule, son objet étant défini à l'article 2, que

par sa primauté sur les autres lois établies au paragraphe 82(1), elle fait partie de la catégorie privilégiée de lois dites quasi constitutionnelles. Ces dernières expriment « certains objectifs fondamentaux de notre société » et doivent être interprétées « de manière à promouvoir les considérations de politique générale qui les sous-tendent ». Dans la mesure, enfin, où elle constitue une loi relative à des droits linguistiques qui, au Canada, ont pris valeur de droits fondamentaux mais n'en demeurent pas moins le fruit d'un compromis social et politique fragile, cette loi invite les tribunaux à faire preuve de prudence, et à « hésiter à servir d'instruments de changement », ainsi que le rappelait le juge Beetz dans l'affaire mettant en cause la SAANB en 1986.

b*) l'affaire *Jollimore

Pour les motifs exprimés dans l'affaire précédente, le même tribunal statua de nouveau en décembre, dans l'affaire *Jollimore*, que le comité d'appel ne possédait pas la compétence requise pour enquêter sur le bien-fondé des exigences linguistiques imposées par l'administration. Le comité d'appel avait donc commis une erreur de droit en déclarant que « lorsque la validité d'une exigence est directement en cause dans un appel, il incombe au comité de prendre position à ce sujet ». Les exigences établies par un ministère ne peuvent tout simplement pas être contestées devant un comité d'appel, si elles se rapportent à la langue utilisée lors de l'appel ou à la sténographie des procès-verbaux; en l'espèce, le comité d'appel avait examiné à tort ces deux exigences. Par conséquent, la Cour accueillait également la requête, en annulant la décision contestée.

En somme, si le mandat d'un comité d'appel consiste essentiellement à examiner les critères de sélection fondés sur le principe du mérite, il est désormais acquis que les exigences linguistiques d'un poste échappent à sa compétence. Pour contester, lors d'une dotation en personnel, les exigences relatives aux langues officielles, parce qu'on estime que celles-ci ne s'imposent pas objectivement pour l'exercice des fonctions en cause, on devra s'adresser au Commissaire aux langues officielles, en se fondant sur l'article 91 de la *Loi sur les langues officielles* de 1988. Il faudra par la suite, le cas échéant, exercer le recours judiciaire en Cour fédérale, division de première instance, en vertu de cette loi, ou encore procéder directement en Cour fédérale.

IX — LE RENOUVELLEMENT DU PROGRAMME DE CONTESTATION JUDICIAIRE

Nous sommes heureux de mentionner en terminant que le Programme de contestation judiciaire a été reconduit cette année par le Parlement pour une période de cinq ans, soit jusqu'en 1995. On sait que ce programme est financé par le gouvernement fédéral, mais que depuis 1985, il demeure indépendant de celui-ci, relevant au point de vue administratif du Conseil canadien de développement social. Depuis 1990, il est administré par le Centre de recherche et d'enseignement sur les droits de la personne de l'Université d'Ottawa.

Le Programme de contestation judiciaire continue de favoriser la clarification des droits fondamentaux inscrits dans la *Charte canadienne des droits et libertés*, dont les droits relatifs aux langues officielles, par le versement d'une aide financière à des causes-types ayant une portée nationale et qui sont engagées par des groupes ou des particuliers de langue minoritaire. Comme la Cour suprême du Canada elle-même entrevoyait dans l'arrêt *Mahé et al.* la possibilité de nouvelles contestations judiciaires en ce qui a trait à l'article 23 de la *Charte canadienne des droits et libertés*, ce programme constitue un appui fort utile qu'il nous faudra conserver probablement encore un bon moment. Le soutien généreux que ce programme apporte à toutes les minorités de langue officielle, qui continuent de devoir plaider dans ce pays pour la défense de leurs droits linguistiques fondamentaux, constitue un outil indispensable encore aujourd'hui, non seulement pour la promotion des droits linguistiques, mais aussi de tous les droits de la personne.

4. Politiques et programmes fédéraux : des notes inégales

a. Les programmes internes

La *Loi sur les langues officielles* du Canada se fonde sur trois assises principales : l'égalité des deux langues dans les organismes fédéraux, l'appui aux minorités et, de façon générale, la promotion des langues officielles dans la société canadienne. Dans la première partie de ce chapitre, nous nous proposons d'examiner la mise en œuvre de la Loi dans l'administration fédérale (les politiques et les programmes *internes*) tandis que dans la seconde, nous passerons en revue les effets de la Loi dans les deux autres domaines (les politiques et les programmes *externes*). Ce chapitre constitue donc la charnière entre le début du rapport, qui présente la synthèse de l'ensemble de nos observations sur l'évolution des questions relatives à la dualité linguistique au Canada, et les autres parties, qui abordent les sujets secteur par secteur.

Les politiques et les programmes internes au gouvernement fédéral comprennent trois composantes complémentaires : le service au public dans les deux langues officielles, qui en constitue la finalité, appuyé par le droit des employés de travailler dans la langue officielle de leur choix dans certaines régions désignées et par la participation équitable des Canadiens d'expression française et d'expression anglaise dans les organismes fédéraux. Ces trois composantes sont complétées par un important train de mesures de soutien.

Les politiques et les programmes externes ont pour but, d'une part d'aider au développement et à l'épanouissement des communautés minoritaires et d'autre part, de contribuer à la promotion générale des langues officielles dans l'ensemble de la population canadienne.

* * *

Quatre organismes jouent un rôle prépondérant dans l'application de la *Loi sur les langues officielles*.

Le **Bureau du Conseil privé**, qui constitue pour ainsi dire le ministère du premier ministre, est depuis toujours la source des impulsions que reçoivent les organismes centraux et les autres institutions fédérales quant à l'importance et à

l'orientation qu'il convient de donner aux programmes de langues officielles. Tout signal de sa part est suivi avec diligence et devient connu par ses effets. L'absence de tels signaux est également significative, mais plus difficile à déceler, tant il est vrai que le Bureau ne s'adresse qu'à Dieu et à ses saints (que sont les ministères et, à l'occasion, les sociétés d'État). Excepté quelques chuchotements, les messages clairs ne sont guère venus à nos oreilles cette année. Souhaitons que 1991 soit plus riche en signaux audibles et positifs.

Le **Conseil du Trésor** devrait en être le premier bénéficiaire, car la Loi lui confie des attributions et des obligations spécifiques en matière d'élaboration et de coordination générale des principes et des programmes internes. Autrement dit, c'est lui qui devrait être le moteur du renouveau édicté par le législateur. On ne lui demande pas de faire du zèle, mais de mieux s'acquitter à l'avenir de l'ensemble de ses responsabilités en matière de régime linguistique.

La **Commission de la fonction publique,** drapée dans son rôle de gardienne du mérite, pourrait également suivre de plus près l'aspect linguistique de la dotation et de la formation dont elle est chargée.

Le **Secrétariat d'État** a, dans notre perspective, une double mission : interne, en s'assurant de la coordination de l'appui accordé aux minorités par les autres institutions fédérales et en prenant ses responsabilités en matière de traduction; externe, en favorisant les minorités et en faisant la promotion des langues officielles dans la société canadienne. On verra le rôle central que joue le Secrétariat d'État sur ces deux plans dans la deuxième partie de ce chapitre ainsi que dans les parties du rapport consacrées aux minorités et à l'enseignement de la langue seconde. Comme à l'habitude, nous lui décernons la mention très honorable pour son rendement dans la plupart des domaines de sa compétence.

PROGRAMMES INTERNES FÉDÉRAUX

Responsabilités du Conseil du Trésor

L'examen des politiques et des programmes internes comporte deux volets : le rôle moteur du Conseil du Trésor et les différents rouages qui en découlent.

Rapport annuel

Le Conseil du Trésor a publié en décembre son deuxième rapport annuel sur les langues officielles dans les institutions fédérales, dans lequel il décrit l'élaboration du règlement sur les communications et les services, la situation des organismes fédéraux et les activités du Conseil du Trésor. Comme il ne couvre que l'année financière 1989-1990, ce rapport ne pouvait qu'énoncer les principes d'élaboration de l'avant-projet de règlement déposé le 8 novembre 1990, fondés sur les exigences législatives et réglementaires, les caractéristiques des populations minoritaires et les types de services gouvernementaux. Le dépôt de l'avant-projet a constitué l'étape la plus importante de l'année 1990 pour la mise en œuvre de la Loi de 1988; le chapitre 2 de cette partie lui est consacré.

Le rapport annuel du Conseil donne un aperçu sommaire de la situation des langues officielles dans la fonction publique, qui est en général positif. Toutefois, à de rares exceptions près, on ne saurait déduire, à la lecture de cet aperçu, que le Conseil du Trésor est également responsable des sociétés d'État en vertu de la partie VIII de la *Loi sur les langues officielles*. Oubli freudien ? Cet abandon parental est-il attribuable à la pénurie de données, statistiques et autres, ou le fruit d'une longue habitude de sollicitude envers les ministères et les organismes qui sont directement sous la tutelle financière et administrative du Conseil du Trésor ? Quelle qu'en soit la raison, elle est insuffisante pour justifier l'absence des sociétés d'État de ce tableau, alors que l'article 48 de la Loi précise bien que le rapport annuel du Conseil du Trésor doit porter sur « l'exécution des programmes en matière de langues officielles au sein des institutions fédérales visées par sa mission ». Heureusement, le chapitre portant sur les activités du Conseil du Trésor rectifie quelque peu cette omission. Certains des travaux du Conseil en matière de surveillance, de vérification (protocoles d'entente, vérifications, suivis), d'évaluation et d'information (du public et des employés) sont en effet consacrés aux sociétés d'État.

Activités

Les activités du Secrétariat du Conseil du Trésor ont touché les domaines habituels de l'administration et de la surveillance du programme, de la vérification et de l'évaluation, de l'information et de la liaison. Notons, parmi les principales réalisations : la poursuite de l'étude sur les milieux propices à l'usage des deux langues officielles; l'achèvement prochain de l'étude sur la participation dans la catégorie Scientifique et professionnelle; l'octroi de subventions aux sociétés d'État pour l'application des clauses de la Loi relatives à la langue de travail; l'adaptation du système d'information sur les langues officielles aux sociétés d'État; la publication d'un dépliant et d'une affiche sur l'offre active, lesquels reprennent le symbole des langues officielles; la distribution d'une trousse (guide et bande vidéo) sur la présidence bilingue des réunions et l'organisation de deux colloques sur les langues officielles et l'informatique.

Le Secrétariat du Conseil du Trésor nous a fourni des données intéressantes, tirées du Système d'information sur les langues officielles (SILO), sur la capacité bilingue des bureaux des ministères. On voit donc tout le parti que l'on peut tirer, par l'application de la Loi, d'une banque de renseignements qui engloberait les sociétés d'État.

Réglementation et directives

Nous aurions évidemment souhaité ajouter à ce palmarès, outre les avant-projets de règlement sur la langue de travail et la participation, certaines des directives destinées à combler les lacunes que nous avons déjà signalées à plusieurs reprises, en particulier dans le plan directeur de notre *Rapport annuel 1988*. Ainsi, tout comme dans le cas de l'informatique, il n'est pas nécessaire d'attendre l'approbation de quelque règlement que ce soit pour émettre ou réviser des politiques touchant plusieurs domaines clés :

- *l'offre active*, condition *sine qua non* pour la prestation efficace de services dans la langue officielle du public;

- *le recours aux médias minoritaires*, particulièrement important là où les communautés minoritaires sont moins nombreuses;

- *l'article 91*, car il est essentiel que toute exigence linguistique puisse se justifier objectivement, dans les ministères comme dans les sociétés d'État;

- et les autres sujets qui ont fait l'objet de directives dans le passé, lesquelles ne sont plus conformes à la Loi, qui ne s'adressent qu'aux ministères ou dont la validité n'est plus évidente.

Nous avions déjà souligné l'importance des instruments de mise en œuvre de la Loi dans notre *Rapport annuel 1988* et nous l'avions réitérée dans celui de 1989; la question de la réglementation est traitée plus haut (voir Partie I, chapitre 2). Quant aux directives, leur absence persistante ne laisse pas d'étonner. L'apparition, en décembre 1988, d'instructions relatives aux systèmes informatisés avait fait naître des espoirs qui ne se sont pas réalisés. Nous ne sous-estimons pas les difficultés qu'a présentées la mise au point de l'avant-projet de règlement sur les communications et les services; toutefois, cette entreprise de taille n'aurait pas dû empêcher l'élaboration de directives correspondant aux nouvelles exigences de la Loi ou, à tout le moins, la mise à jour, l'adoption ou la correction de directives anciennes ou périmées, ou ne s'adressant qu'à une partie de l'administration fédérale.

Protocoles d'entente et accords

Le Secrétariat du Conseil du Trésor a continué de négocier des protocoles d'entente avec les ministères, mais aucun « accord » n'a été conclu avec les sociétés d'État. Une quinzaine de nouveaux protocoles sont venus s'ajouter aux vingt-cinq déjà signés, sans compter une vingtaine d'autres pour lesquels les négociations seraient passablement avancées, nous dit-on. Il semble improbable que le Conseil du Trésor se rapproche même de l'objectif qu'il s'était fixé de signer 80 protocoles avant le 15 mars 1991.

Rappelons que ces protocoles, institués dans le cadre du régime d'accroissement des pouvoirs et des responsabilités, établissent un rapport d'imputabilité entre le Conseil du Trésor et les institutions et ce, pour une période de trois ans. Chaque protocole contient d'abord une description des réalisations de l'organisme en matière de service au public, de langue de travail, de participation équitable et de gestion du programme des langues officielles, qui est suivie d'un exposé des objectifs à atteindre, d'un plan d'action détaillé et d'indicateurs de rendement. Une fois signé, le protocole constitue le document de stratégie d'application de la Loi, qui peut aussi servir de base à un système interne d'imputabilité. L'organisme présente ensuite un rapport annuel au Conseil du Trésor, dans lequel il fait état des progrès réalisés. Nous avions déjà souligné que ce processus constituait

à nos yeux une méthode efficace pour accroître l'imputabilité ministérielle. Nous avions aussi recommandé d'en améliorer la teneur générale en portant une attention particulière aux indicateurs de rendement. De façon générale, la qualité des protocoles s'améliore graduellement : les objectifs et les indicateurs sont plus clairs et ils sont plus souvent formulés en fonction des résultats escomptés. Deux des quinze protocoles signés cette année nous paraissent dignes de mention par la qualité de l'analyse, la clarté des engagements ministériels et la précision des indicateurs de rendement. Ce sont ceux des ministères de l'Agriculture et de la Justice.

Il est encore trop tôt pour juger avec exactitude des effets réels des protocoles. Néanmoins, parmi les organismes évalués dans notre rapport, nous pouvons signaler un effet tangible de la Loi chez la moitié de ceux qui ont signé un protocole avant 1990. Pour que le régime des protocoles soit efficace, il faudrait que cette proportion s'accroisse nettement.

Au chapitre des « accords » avec les sociétés d'État, la situation qui ne laissait pas d'être préoccupante en 1989, est franchement inquiétante cette année. En effet, aucun « accord » n'a encore été signé avec ces institutions qui sont, tout autant que les ministères, assujetties à la *Loi sur les langues officielles*. Dans notre plan directeur du *Rapport annuel 1988*, nous recommandions au Conseil du Trésor d'accorder une attention particulière à la négociation d'une forme de protocole avec les sociétés d'État. Cette recommandation, reformulée en 1989, se fait encore plus pressante, d'autant plus que bon nombre de sociétés n'ont pas d'infrastructure administrative adaptée à la mise en œuvre de tous les éléments de la Loi et que les directives du Conseil du Trésor à leur endroit constituent de rares pièces de collection.

D'aucuns ont déjà suggéré que les protocoles d'entente pouvaient tenir lieu de règlements. Si séduisante que puisse paraître cette proposition au premier abord, elle est en fait totalement sans valeur. Alors que les règlements sont d'ordre *quasi-législatif, général et durable*, les protocoles, eux, n'ont qu'un caractère *administratif, individuel* et *temporaire* : ils tirent leur légitimité de la réglementation et des directives mêmes, ils ne s'appliquent qu'à un seul organisme et ils ne sont valables que pour trois ans. Le Secrétariat du Conseil du Trésor reconnaît lui-même ces différences fondamentales en signalant aux ministères, dans les instructions concernant les protocoles, que ces derniers ne doivent pas anticiper les règlements. Ils devront d'ailleurs être modifiés une fois la réglementation adoptée, de façon à mieux remplir leur rôle.

Conseil du Trésor et exigences linguistiques

À en juger par la relative stabilité, depuis cinq ans, des quatre types linguistiques de postes (tableau I.1), on pourrait être tenté de conclure que ces pourcentages représentent les « nombres d'or » de la répartition linguistique dans la fonction publique. Quoi de plus normal, pourrait-on penser, qu'un système créé en 1973 ait atteint un certain équilibre ? Malheureusement, tel n'est pas nécessairement le cas, en particulier à la lumière de la Loi de 1988.

Tableau I.1
Exigences linguistiques des postes, 1986, 1989 et 1990

Postes	1986	1989	1990
Bilingues	64 042 28,6%	61 741 29,4%	62 080 29,2%
Anglais essentiel	131 563 58,8%	123 117 58,5%	124 911 58,8%
Français essentiel	15 636 7,0%	14 021 6,7%	13 816 6,5%
Réversibles	12 386 5,5%	11 415 5,4%	11 780 5,5%
Total	**223 627**	**210 294**	**212 587**

Source : Système d'information sur les langues officielles.

En fait, les postes bilingues devraient être mieux distribués et on devrait exiger un niveau de compétence plus élevé. En effet, il suffit de penser aux 3 400 postes de niveau élémentaire (A) (même si, comme nous le verrons, ce niveau est en perte de vitesse), auxquels il faut ajouter les 7 600 postes intermédiaires (B) dont les titulaires sont au niveau élémentaire, car ils ne répondent pas aux exigences linguistiques de leur poste. Quel rôle jouent ces quelque 11 000 postes dans les engrenages bilingues de la machine fédérale ? Par ailleurs, il y a 15 700 postes bilingues au Québec, soit 53 p. 100 de tous les postes de la province. On ne pourrait faire croire à personne qu'il est indispensable que *la moitié* des fonctionnaires du Québec soient bilingues, tant pour des raisons de langue de service que de langue de travail. (Sauf, dans ce dernier cas, pour compenser les faiblesses linguistiques de leurs homologues de la région de la capitale nationale.) Ces deux exemples, à eux seuls, illustrent bien les améliorations qualitatives et quantitatives qu'il serait souhaitable d'apporter. Le gouvernement devrait donc se donner comme objectif prioritaire d'accroître le niveau de compétence linguistique de la fonction publique et également de redistribuer les postes bilingues, en augmentant légèrement leur nombre au besoin, en fonction du règlement relatif à la demande importante.

Dans le *Rapport annuel 1986*, nous recommandions « vivement un relèvement soutenu de la compétence en langue seconde. [...] à titre d'exemple, on pourrait viser une réduction radicale, d'ici à 1990-1991, du pourcentage des postes exigeant le niveau élémentaire (niveau A), ainsi qu'une augmentation à 35 ou 40 p. 100 des postes de niveau avancé (C) dans l'ensemble de la fonction publique d'ici à 1992-1993. Pour ce qui est de la catégorie Gestion, ce pourcentage devrait se situer entre 50 et 60 p. 100 au minimum ».

Qu'en est-il au juste, cinq ans plus tard ? Le « relèvement soutenu » s'est-il produit ? Comme le montre le tableau I.2, pour le niveau élémentaire (A), la réponse est nettement positive : le nombre de ces postes a en effet diminué de 45,5 p. 100 depuis 1986. Au niveau avancé (C), le progrès est encore plus marqué, puisque la hausse atteint 56,8 p. 100.

Dans la fonction publique, de semblables progressions sont pour le moins inusitées et elles méritent d'être soulignées. Dans la catégorie Gestion, l'augmentation est moins marquée, mais il faut noter que la proportion de postes de niveau C (27,7 p. 100) y est deux fois plus importante, comme il se doit, que dans l'ensemble de la fonction publique. D'ailleurs, le niveau de compétence linguistique de cette catégorie devrait être rehaussé grâce à des cours offerts aux membres anglophones de la haute direction et qui devraient leur permettre de passer du niveau B à C, en lecture et à l'oral, d'ici à 1998. Cet effort, s'il était systématique, devrait donc renforcer la tendance des dernières années.

Tableau I.2
Postes bilingues — niveau de compétence exigé, 1986, 1989 et 1990

Niveau exigé	1986	1989	1990	Écart 1986 - 1990
Élémentaire (A)	6 464 10,1%	4 040 6,5%	3 397 5,5%	- 45,5%
Intermédiaire (B)	49 758 77,7%	47 409 76,8%	47 755 76,9%	- 1,0%
Avancé (C)	5 633 8,8%	7 898 12,8%	8 570 13,8%	+ 56,8%
Autres	2 187 3,3%	2 392 3,9%	2 357 3,7%	+ 15,2%
Total	**64 042**	**61 741**	**62 080**	

Source : Système d'information sur les langues officielles.

Nous ne pouvons évidement que nous réjouir de cette « montée » des exigences linguistiques des postes et souhaiter vivement qu'elle se poursuive — d'autant qu'elle s'accompagne, comme nous le verrons plus loin, d'une hausse généralisée des compétences linguistiques des fonctionnaires.

Certes, nous sommes encore loin des 35 ou 40 p. 100 de postes de niveau C pour 1992-1993 dont faisait état notre recommandation de 1986 et, malgré la forte hausse enregistrée jusqu'ici, on doit s'interroger sur les délais qui seront nécessaires pour atteindre cet objectif. Nous continuons de croire aujourd'hui qu'il est loin d'être déraisonnable d'envisager une fonction publique où environ un poste bilingue sur trois exigerait le niveau avancé (un sur deux pour la catégorie Gestion). Il suffit de se rendre compte concrètement du niveau de compétence plutôt limité que l'on exige au niveau B — et surtout au niveau A — pour désirer un plus grand nombre de postes de niveau C.

Niveau A

Ce sont d'ailleurs pour ces raisons que la Cour d'appel fédérale a été appelée à statuer en mai dernier qu'il n'y avait « simplement aucun doute que le niveau A est inadéquat » [notre traduction] pour évaluer les compétences professionnelles

d'un candidat lors d'un concours. Le Règlement sur l'emploi dans la fonction publique stipule que « le comité de sélection doit avoir une connaissance du français ou de l'anglais, ou des deux langues, selon le cas, qui soit suffisante pour permettre, sans avoir recours à un interprète, une communication effective dans la langue choisie par le candidat ». La Cour confirmait ainsi la décision d'un jury d'appel de la Commission de la fonction publique, qui avait même conclu que le niveau B était également insuffisant dans de telles circonstances.

Ce jugement ne nous a pas surpris ! N'avons-nous pas affirmé à maintes reprises dans les rapports précédents : « le niveau A est le plus souvent inapproprié, à de rares exceptions près » et n'avons-nous pas recommandé, dans le cadre du plan directeur de notre *Rapport annuel 1988* d'éliminer ce niveau pour la plupart des postes de service au public ? Voici donc une décision qui devrait hâter la disparition d'un niveau qui n'aurait jamais dû exister, sauf dans des cas particuliers et limités, comme l'exercice d'une simple fonction de référence à un collègue linguistiquement qualifié.

Vraie compétence

Comme nous le mentionnions ci-dessus, les proportions de postes et de titulaires bilingues sont sensiblement différentes à chaque niveau, les compétences linguistiques des employés étant généralement supérieures aux niveaux des postes. On doit noter en particulier le pourcentage de fonctionnaires (38 p. 100) qui ont reçu une « exemption » de toute évaluation subséquente, ce qui correspond à des compétences supérieures au niveau avancé (tableau I.3).

Mais ce dépassement n'est vrai que vu dans une perspective globale, car bon nombre de titulaires ne répondent pas aux exigences linguistiques de leur poste. On assiste donc à un double phénomène : certains fonctionnaires n'ont pas les compétences linguistiques requises pour leur poste, tandis que d'autres en excèdent les exigences. Toutefois, le mirage statistique ne doit pas nous amener à conclure pour autant que les uns compensent toujours les autres. Ainsi, la clientèle

Tableau I.3
Proportions de postes bilingues et de titulaires, par niveau, 1990

	Postes	Titulaires qui satisfont aux exigences de leur poste	Compétences réelles de tous les titulaires
Élémentaire (A)	5,5%	5,6%	7,2%
Intermédiaire (B)	76,9%	76,6%	29,8%
Avancé (C)	13,8%	14,5%	13,7%
Exemption (E)	—	—	38,0%
Autres	3,8%	4,3%	11,3%
	100%	100%	100%

Source : Système d'information sur les langues officielles.

franco-ontarienne servie par des employés qui ne possèdent pas « leur » niveau B ne saurait tirer consolation du fait que des employés dans des postes de même niveau au Nouveau-Brunswick ont obtenu l'exemption.

Même si nous sommes heureux de savoir que 38 p. 100 des fonctionnaires ont un niveau de compétence supérieur au niveau avancé, il n'en demeure pas moins que 83 p. 100 des fonctionnaires répondaient aux exigences de leur poste bilingue il y a dix ans, et qu'encore aujourd'hui, ils ne sont que 85,6 p. 100. Et nous sommes loin de penser que le public doive considérer comme acceptable le fait qu'un fonctionnaire sur sept ne satisfait pas aux exigences de son poste bilingue.

Commission de la fonction publique et la formation linguistique

Pas plus qu'en 1988 et en 1989, la Commission de la fonction publique (CFP) n'a su répondre, cette année, à la demande de cours intensifs et continus dans la RCN. Deux facteurs ont contribué à ce que cette situation perdure, alors qu'elle devait être temporaire. D'abord, l'augmentation considérable de la clientèle quant aux besoins statutaires et généraux de l'administration (dotation, surtout); ensuite, la réduction des effectifs du programme de formation linguistique de la CFP depuis 1987 (à raison de 40 années-personnes par an). Par ce régime minceur, le gouvernement cherchait à contenir les coûts de la formation linguistique, tout en maintenant un accès généreux à la formation et en augmentant la part du secteur privé.

Des mesures temporaires ont permis de réduire la liste d'attente au cours de 1990, notamment le retrait des cours continus des étudiants non admissibles ainsi que l'achat par le Secrétariat du Conseil du Trésor de 83 années-personnes du fonds renouvelable. Cependant, la liste s'est allongée de nouveau à la fin de 1990, et on attendait 600 nouvelles demandes au début de 1991. De toute façon, ces solutions ne règlent pas le problème une fois pour toutes, d'autant plus que le règlement sur les communications et les services devrait entraîner de nouveaux besoins en formation linguistique. De plus, certains ministères ont dû affecter les fonds prévus pour la formation reliée aux aspirations de carrière des employés à l'achat de la formation statutaire, normalement dispensée sans frais par la CFP, afin de contourner le problème des listes d'attente. Ce « marché noir » compromet l'accès généreux à la formation linguistique prévu par le gouvernement. Toutefois, le fait de reporter de plusieurs mois la formation des titulaires de postes bilingues nuit à la prestation des services bilingues auxquels le public a droit en vertu de la Loi. À la fin de l'année, le Conseil du Trésor avait accepté de réduire de 40 à 25 le nombre d'années-personnes à soustraire du programme de formation de la CFP, mais cette mesure, tardive, est insuffisante.

Devant la persistance du problème, nous ne pouvons que recommander au Conseil du Trésor de revoir au plus tôt les ressources du programme de formation linguistique de façon à répondre aux besoins prioritaires des ministères, présents et à venir, et à respecter son engagement à un accès généreux à la formation linguistique.

Nous avions déjà souligné ce problème dans notre *Rapport annuel 1988*, en incitant « la Commission à tout mettre en œuvre afin de fournir aux ministères les ressources bilingues indispensables ». Et dans le rapport de 1989, nous nous demandions si le Conseil du Trésor n'avait « pas réduit trop rapidement les ressources consacrées à la formation linguistique ».

Depuis le 1er avril 1990, la CFP dispensait, aux frais des ministères, la formation linguistique reliée à la planification en ressources humaines et aux aspirations de carrière des employés. Ce « fonds renouvelable » semblait devoir connaître le succès, puisqu'il avait déjà vendu la presque totalité de ses services après six mois. Cependant, dans un premier temps, il fut amputé de 83 années-personnes, utilisées par le Secrétariat du Conseil du Trésor pour porter secours au programme statutaire. Puis la nouvelle fatidique, d'abord entendue à la fin de 1990, fut confirmée au début de 1991 : ce programme devait rendre l'âme dans la RCN le 31 mars, obligeant ses ministères-clients à diriger leurs demandes vers le secteur privé. Seuls les bureaux régionaux des ministères pourront continuer à s'adresser à la CFP à l'extérieur de la RCN. Les écoles de langues du secteur privé seront-elles en mesure de répondre à la demande, tant sur le plan quantitatif que qualitatif ? Par ailleurs, on doit se demander s'il valait la peine de mettre sur pied un tel mécanisme sans lui donner les moyens de survivre. À la lumière de cette expérience malheureuse, notre recommandation de revoir le niveau global de ressources du programme de formation nous semble plus justifiée que jamais.

Le *Rapport annuel 1989* faisait mention de la question du rehaussement de la *compétence linguistique des cadres supérieurs*. Nous y incitions les ministères à agir avec plus de célérité, mais il semblerait que notre appel n'ait pas été entendu. En effet, à peine 28 cadres sont venus s'ajouter à la liste des nouveaux participants à ce cours pourtant prévu pour en accueillir une centaine par année.

Sans vouloir nous montrer alarmistes, force nous est de constater qu'après un peu plus de trois ans, ce cours a accueilli à peine 112 participants, dont 15 seulement ont réussi à atteindre les résultats escomptés (19 ont abandonné en cours de route). Les autorités se doivent d'examiner avec le plus grand empressement les causes d'aussi piètres résultats. À notre avis, le manque d'engagement tant des cadres que des ministères est un des facteurs à considérer sérieusement.

Et que dire du rôle du Secrétariat du Conseil du Trésor à cet égard ? Le fait que le Secrétariat et les autorités des institutions fédérales tolèrent ce quasi-échec laisse planer un doute sérieux sur leurs engagements répétés face aux objectifs de la Loi et du gouvernement. Ce qui n'empêche pas le Conseil du Trésor de déclarer courageusement dans son rapport annuel : « Les progrès accomplis par ce groupe laissent présager une amélioration sensible dans le domaine de la langue de travail. » Cependant, pour l'instant, si 51,7 p. 100 de l'ensemble des titulaires de postes bilingues possèdent le niveau avancé ou bénéficient de l'exemption, dans la catégorie Gestion, il n'y a que 43,4 p. 100 des titulaires de postes bilingues qui possèdent le niveau avancé ou bénéficient de l'exemption.

Bilinguisme réceptif

Avec l'introduction, dans la *Loi sur les langues officielles*, de la notion de milieux de travail propices à l'utilisation des deux langues officielles, le concept de bilinguisme réceptif devrait être un peu plus répandu. La présence de fonctionnaires bilingues réceptifs nous semble en effet être un des ingrédients essentiels à la réussite du bilinguisme au travail.

Au risque d'en lasser plusieurs, répétons les indispensables mises en garde : de bilinguisme réceptif devrait être réservé aux employés de régions bilingues qui travaillent avec des collègues des deux groupes linguistiques. Il ne saurait remplacer le bilinguisme total pour le service au public, la surveillance ou toute autre tâche où des exigences de bilinguisme classique ont été établies. Il permet en revanche à ceux qui se considèrent comme « fonctionnellement unilingues » d'acquérir des connaissances en langue seconde suffisantes pour comprendre les documents rédigés dans cette langue ou les interventions faites durant les réunions, pour citer les cas les plus utiles. En outre, ce bilinguisme peut permettre de réaliser des économies au chapitre de la traduction ou de l'interprétation.

Nous ne doutons pas d'ailleurs que l'étude effectuée pour le compte du Secrétariat du Conseil du Trésor sur les facteurs qui facilitent ou entravent l'usage des deux langues en milieu de travail puisse donner lieu à des conclusions similaires. Notre impatience n'a sans doute d'égale que celle des ministères qui ont obligeamment répondu au sondage. Il est d'ailleurs intéressant de noter que 16 p. 100 des responsables des langues officielles dans les ministères ont déclaré, dans un questionnaire sur le système d'évaluation de la langue seconde, qu'il leur semblait nécessaire de mesurer *séparément* la compréhension orale, en raison précisément de la participation des fonctionnaires à des réunions de toutes sortes.

Formation professionnelle

La CFP a effectué cette année un sondage auprès de sa clientèle afin de mieux connaître les raisons de son comportement linguistique. Il y a effectivement lieu de chercher à comprendre pourquoi, bon an mal an, environ la moitié des francophones suivent leurs cours en anglais, alors que chez les anglophones, la proportion comparable n'atteint pas 1 p. 100. Les francophones délaissent les cours en français pour deux raisons : leurs habitudes linguistiques au travail (21 p. 100) et la disponibilité et la qualité de ces cours (32 p. 100). Cinquante-huit pour cent des francophones interrogés travaillent en anglais ou dans les deux langues (alors que seulement 5 p. 100 d'anglophones utilisent les deux langues au travail). Pourtant, 47 p. 100 seulement d'entre eux ont déclaré vouloir ou préférer des cours en anglais ou n'ont exprimé aucune préférence linguistique[1]; il y a donc place pour au moins 11 p. 100 d'amélioration sous ce rapport. Quant aux conditions linguistiques de travail, on voit qu'on est encore bien loin de l'égalité de nos deux langues et des milieux propices à leur utilisation prévus par la Loi.

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[1] Quant aux anglophones, 1,8 p. 100 d'entre eux déclarent n'avoir aucune préférence linguistique et 0,3 p. 100 disent préférer des cours en français.

Si la CFP n'a que peu d'emprise sur la situation du français au travail, en revanche elle se doit d'agir vigoureusement sur les 32 p. 100 de francophones pour qui la disponibilité ou la qualité des cours en français pose encore des problèmes. Certes, on a pu enregistrer un léger progrès de 3,5 p. 100 dans le nombre des participants aux cours en français dans la RCN, mais il y a encore beaucoup de chemin à faire avant d'atteindre un statut d'équité.

Bien que les groupes de travail de Fonction publique 2000 (FP 2000) se soient très peu préoccupés des questions de langues officielles, une de leurs recommandations touchant la formation professionnelle pourrait avoir certaines retombées linguistiques positives. Ainsi, ils ont été surpris de la dispersion des ressources ministérielles en matière de formation et de perfectionnement, et ils ont donc recommandé qu'on en fasse une utilisation plus rationnelle en regroupant et en harmonisant l'expertise actuellement éparpillée dans les ministères, où — il faut le rappeler — se donnent plus de 90 p. 100 de toute la formation de la fonction publique. Il est évident que nous voyons d'un très bon œil l'application d'une telle recommandation, car, comme nous l'avons déjà signalé dans nos rapports annuels précédents, nous estimons que le regroupement de certaines ressources ministérielles permettrait de dispenser une plus grande proportion de cours en français. Une telle méthode rassemblerait en effet un bassin plus important de clients éventuels et éviterait un taux élevé d'annulation, ce qui permettrait d'offrir un plus grand nombre de sessions. Il ne nous reste plus qu'à souhaiter que le désir de rationalisation administrative et le besoin d'amélioration linguistique soient assez impérieux pour assurer l'adoption définitive de cette recommandation.

Conseil du Trésor et la prime au bilinguisme

L'exercice de confirmation de la prime, dont le but est de réévaluer les compétences linguistiques des titulaires de postes bilingues, s'est poursuivi en 1990. Durant l'année, les connaissances de la langue seconde de 6 075 fonctionnaires ont ainsi été évaluées et 5 774 (95 p. 100) ont satisfait aux exigences de leur poste. Depuis le début de l'exercice, le 1er avril 1987, quelque 36 000 fonctionnaires ont donc été soumis à ces évaluations, avec un taux de réussite de près de 90 p. 100.

Cette mise à jour du patrimoine linguistique de la fonction publique constitue un exercice de dépoussiérage fort salutaire. Il faut s'assurer en effet — autant pour le bien du public que pour celui des employés, bilingues ou non — que les fonctionnaires qui reçoivent la prime de 800 dollars la méritent, au moins par leurs connaissances. À notre avis, ils devraient également la mériter par l'utilisation qu'ils font de leur langue seconde. Cette prime a beau avoir perdu plus de la moitié de sa valeur réelle depuis son instauration, elle n'en demeure pas moins une source de difficultés qui aurait dû être examinée par FP 2000.

Nous avions toutes les raisons de croire que les groupes de travail, soit dans l'étude sur la rémunération, soit dans celle sur la classification, proposeraient une solution de rechange au système actuel de la prime, d'autant plus qu'une des

recommandations vise à intégrer le groupe SM à la haute direction, ce qui aurait pour effet connexe de permettre des économies importantes. L'occasion était idéale pour revoir le principe même de l'octroi d'une prime afin de rendre vraiment compte des difficultés supplémentaires évidentes qu'entraîne le travail dans les deux langues pour certaines catégories d'employés, les secrétaires par exemple. Devrons-nous donc attendre que l'inflation érode cette somme au point où elle subviendra à peine aux dépenses en café des fonctionnaires pour que le Conseil du Trésor se décide à s'attaquer au problème ?

La distribution de cette prime a d'ailleurs été mise en cause en 1990, lorsque la Cour fédérale a statué qu'un agent de la GRC avait droit à cette manne au même titre qu'un fonctionnaire (voir le chapitre 3 de cette partie pour de plus amples renseignements sur cette affaire). Si la décision de la Cour d'appel ne renverse pas ce jugement, on pourrait voir d'autres employés fédéraux des Forces canadiennes ou de certaines sociétés d'État réclamer cette prime. Raison de plus pour mettre de l'ordre dans ce régime boiteux, surtout dans une période de compressions budgétaires.

Secrétariat d'État et la traduction

En 1990, les Services linguistiques du Secrétariat d'État ont traduit 245 millions de mots en langues officielles. Environ 40 p. 100 ont été confiés au secteur privé (comparativement à 35 p. 100 en 1989); ce taux se rapproche ainsi de l'objectif de 50 p. 100 pour 1993-1994.

Le Secrétariat d'État a poursuivi la mise en place de diverses mesures afin de s'adapter à un environnement en perpétuel changement. Ainsi, dans la perspective de FP 2000, les Services linguistiques ont mis sur pied des projets-pilotes pour faciliter l'accès direct des gestionnaires aux traducteurs du secteur privé.

L'accès direct au marché privé, ainsi que les autres mesures administratives, ne doivent cependant pas nous faire oublier un aspect fondamental : la qualité de la communication. Comme le démontre notre étude sur la langue de travail au Québec, la qualité de la traduction faite par d'autres sources que le Secrétariat d'État laisse, hélas, souvent à désirer. Nous ne saurions trop insister sur la nécessité de contrôler rigoureusement la qualité des communications traduites.

b. Les programmes externes : l'appui aux minorités, la promotion des langues officielles et la recherche

Deux ans et demi se sont écoulés depuis l'adoption de la *Loi sur les langues officielles* de 1988. Ses répercussions sur la promotion des langues officielles au sein de la société canadienne et sur l'épanouissement des minorités de langue officielle ont permis de faire de belles percées et d'accomplir de réels progrès. Toutefois, on est en droit de se demander si ces progrès sont à la hauteur des espoirs que son adoption avait fait naître. Il s'agit bien souvent d'un travail de longue haleine, qui porte sur des changements de mentalités et de comportements, et qui suppose, outre un dialogue sérieux, une action en profondeur. Le maître d'œuvre que la Loi a chargé de cette tâche, clef de voûte de l'architecture du texte législatif, est le secrétaire d'État. C'est pourquoi les initiatives, les activités et les programmes de son ministère tiennent une place importante dans la marche vers l'égalité de nos langues officielles et le développement des communautés qui les parlent.

Secrétariat d'État

Les cinq articles de la Partie VII de la Loi énoncent clairement cette responsabilité. L'article 43, en particulier, spécifie que « le secrétaire d'État du Canada prend les mesures qu'il estime indiquées pour favoriser la progression vers l'égalité de statut et d'usage du français et de l'anglais dans la société canadienne ». L'article comprend huit alinéas qui définissent quelles pourraient être ces « mesures [...] indiquées ». Ces mesures incitatives touchent tout autant la société en général que les communautés minoritaires, les gouvernements provinciaux et municipaux, le secteur privé et les organismes professionnels ou syndicaux. Le Secrétariat d'État est également le maître d'œuvre fédéral de la traduction, de l'interprétation et des travaux terminologiques : ces activités, en facilitant la communication entre les deux grandes communautés du pays, représentent une des assises de la dualité linguistique. Nous examinons, au chapitre I 4.a, les plus récentes initiatives du ministère dans ce domaine.

Le défi du ministère est de taille. Nous avions recommandé, dans le *Rapport annuel 1988*, certaines actions concrètes pour le relever. La difficulté de la tâche exige une vision d'ensemble, un plan à long terme et des actions vigoureuses. Comment le Secrétariat d'État s'en est-il acquitté ? À notre avis, de façon fort honorable dans la plupart des domaines de sa compétence.

Après avoir indiqué les quelques réponses qui se dégagent de l'examen que le Secrétariat d'État lui-même fait de son action, dans son rapport annuel déposé au Parlement en décembre, nous examinerons ensuite l'action du ministère auprès des minorités, l'aide apportée relativement à l'enseignement dans la langue de la minorité et à l'enseignement de la langue seconde, ainsi que ses activités de coordination interministérielle. Nous passerons ensuite en revue les efforts du ministère pour la promotion des langues officielles dans la société, notamment ses activités en matière de communications. Nous donnerons un aperçu de l'évaluation de ses programmes pour conclure par une revue des principaux éléments de la recherche entreprise au cours de l'année.

Rapport annuel

Ce deuxième rapport annuel sur la mission du Secrétariat d'État en matière de langues officielles porte sur l'exercice financier 1989-1990, et illustre, en particulier, la collaboration grandissante entre le gouvernement fédéral et les gouvernements provinciaux et territoriaux en matière de langues officielles. En déposant son rapport devant le Parlement, M. Gerry Weiner, le secrétaire d'État, a en effet déclaré : « Cet esprit de partenariat préconisé dans la nouvelle *Loi sur les langues officielles* a permis la réalisation de (nombreux) projets [...] ».

Le rapport, qui passe en revue dans leurs moindres détails les programmes et les activités du Secrétariat d'État, est d'une lecture plus aisée que celui de l'année dernière. De nombreux graphiques ainsi que la mise en relief des principaux passages des documents cités en facilitent la consultation. Enfin, une série d'annexes fournissent des renseignements utiles sur les textes de loi sur lesquels se fonde la mission du ministère, sur son budget ainsi que sur les principales ententes qu'il a conclues avec d'autres gouvernements en matière de langues officielles.

Les minorités

La conclusion d'ententes fédérales-provinciales/territoriales et leur mise en œuvre constituent la pierre angulaire de l'édifice visant l'épanouissement des minorités et la promotion des langues officielles que s'efforce de construire le Secrétariat d'État. Il faut souligner leur grande diversité. Elles peuvent porter tout autant sur le financement de secteurs éducatifs que sur la création d'un fonds de fiducie fédéral-provincial destiné à assurer la survie du *Courrier de la Nouvelle-Écosse*, seul hebdomadaire de langue française de cette province, l'établissement d'un centre culturel à Hearst, en Ontario, en passant par le financement de radios communautaires pour les minorités sur la Côte Nord du Québec ou dans différentes régions du Nouveau-Brunswick.

Au mois de novembre, une entente-cadre quinquennale, conclue entre le Canada et le Manitoba, a fixé les paramètres de la collaboration entre les deux gouvernements dans le domaine de la promotion des langues officielles. Dans le préambule de l'entente, les deux gouvernements « reconnaissent que la présence de Canadiens d'expression française et d'expression anglaise au Manitoba constitue une caractéristique

fondamentale du Canada ». Partant de cette prémisse, le gouvernement du Manitoba veut, avec l'aide du Secrétariat d'État, « accroître (sa) capacité [...] de communiquer et de fournir des services en français selon les besoins ainsi que contribuer au développement et à l'épanouissement de la communauté francophone ».

Cette entente s'inscrit dans toute une série d'ententes-cadres signées avec d'autres provinces et territoires au cours des années passées. Seules trois provinces, soit Terre-Neuve, l'Alberta et la Colombie-Britannique, n'ont pas encore conclu d'accords de ce genre et semblent se faire tirer l'oreille (voir la Partie IV sur les minorités, qui donne le détail des différentes ententes conclues en 1990).

Enseignement

Dans le domaine de l'enseignement, les ententes entre le Secrétariat d'État et les provinces ont également servi d'ancrage à l'aide consentie par le gouvernement fédéral pour l'enseignement dans la langue de la minorité et l'enseignement de la langue seconde. L'examen minutieux de ces ententes — qui prennent, la plupart du temps, la forme d'une aide financière — se fera dans les chapitres consacrés aux minorités et à l'éducation. Qu'il suffise de mentionner qu'au cours de l'année 1990, le ministère a conclu de telles ententes avec le Québec, Terre-Neuve, la Saskatchewan, les Territoires du Nord-Ouest et la Colombie-Britannique. Par ailleurs, des accords plus circonscrits ont permis au ministère d'aider certains établissements d'enseignement. À cet égard, il faut mentionner l'Université Bishop et le Collège Champlain au Québec, l'Université Sainte-Anne en Nouvelle-Écosse ainsi que la Cité collégiale en Ontario.

Coordination interministérielle

La coordination interministérielle est l'un des nouveaux champs d'activités et de responsabilités que la Loi de 1988 confie au secrétaire d'État. Nous avions signalé dans les rapports annuels précédents qu'il s'agissait d'un mandat important, qui attribuait au ministère certaines fonctions — et certains défis à relever — rappelant ceux des organismes centraux. Dans le *Rapport annuel 1989*, nous avions souligné avec satisfaction que les premières initiatives du Secrétariat d'État dans ce nouveau champ étaient prometteuses, et que le ministère s'était attaqué à sa tâche avec vigueur.

Nous devons cependant noter en 1990 un certain ralentissement. Nous comprenons que de nombreux efforts ont été consacrés à la structuration et à la consolidation du Secrétariat aux langues officielles, et nous espérons qu'il sera en mesure de reprendre le collier avec détermination et énergie. L'entente-cadre Canada-Manitoba signée en novembre 1990 lui en fournira l'occasion. À l'article 15.1, l'entente précise en effet que « le secrétaire d'État du Canada, étant chargé de faciliter la coordination entre les ministères et organismes fédéraux pour appuyer le développement des communautés de langue officielle et la promotion des langues officielles, s'engage à encourager ceux-ci à collaborer avec leurs homologues du Manitoba en participant à des discussions et en adoptant des plans d'action selon les besoins ». Il s'agit, comme on le voit, d'un exemple concret où le principe général de la Loi trouve une application précise.

En 1990, cependant, les réalisations concrètes du Secrétariat aux langues officielles ne sont certes pas de nature à instiller, au sein des institutions fédérales, le sens de l'urgence et de l'importance qu'il y a à tenir compte, dans la conception et l'exécution de leurs programmes, de la spécificité et de la sensibilité linguistiques des communautés minoritaires qu'elles servent dans les différentes provinces.

Parmi les initiatives en cours ou en préparation, notons en particulier les suivantes :

- le Secrétariat d'État est en discussion avec le Conseil de recherche en sciences humaines pour le convaincre d'adopter la « dualité linguistique » comme l'un de ses thèmes de recherche privilégiés dans un proche avenir;

- Emploi et Immigration Canada, incité par le Secrétariat d'État, envisage la possibilité de créer des « coopératives pour les jeunes » des communautés minoritaires de langue officielle;

- des rencontres sont prévues entre le secrétaire d'État et Alliance Québec, afin de déterminer les besoins particuliers de la communauté anglophone du Québec, de la même manière que des rencontres avaient été tenues en 1989 entre le ministre et la Fédération des francophones hors Québec (FFHQ).

Le ministère veut d'abord inciter les représentants des communautés minoritaires de langue officielle à déterminer et à faire connaître leurs besoins prioritaires, et, ensuite, faciliter leurs démarches auprès des ministères et organismes fédéraux intéressés en vue d'aborder des dossiers précis.

Dans ce dernier but, le Secrétariat d'État a préparé un *Répertoire sur les programmes fédéraux intéressant les communautés de langue officielle*, qu'il a rendu public à l'Assemblée générale annuelle de la FFHQ en juin dernier. Constitué grâce à la participation active de divers ministères, le répertoire est bien fait et aide l'utilisateur à s'orienter dans la jungle des programmes fédéraux. Il ne semble pourtant pas encore bien connu ou utilisé par toutes les minorités, et le ministère devrait s'efforcer en 1991 d'inciter les organismes minoritaires à s'en servir plus systématiquement.

La démarche du Secrétariat d'État en matière de coordination interministérielle nous semble par ailleurs un peu feutrée. Apparemment, le ministère conçoit qu'à titre de coordonnateur, il doit favoriser la promotion de la dualité linguistique; la notion d'obligation statutaire à cet égard lui paraît délicate, même si, à l'article 41, le gouvernement s'engage « à favoriser l'épanouissement des minorités [...] et à appuyer leur développement ». Sans vouloir trancher quant à la nature exacte de l'obligation statutaire que la Loi impose aux organismes fédéraux, et tout en reconnaissant la valeur pédagogique à long terme de l'approche incitative, nous

croyons cependant que le ministre et le ministère pourraient se montrer plus entreprenants et plus présents — comme d'ailleurs ils l'avaient été en 1989. Le ministre pourrait rappeler plus vigoureusement à ses collègues cet aspect de la Loi. On est en droit de se demander s'il l'a fait, par exemple, lorsqu'il a été question du traitement de la presse minoritaire par les institutions fédérales ou des effets de certaines réductions budgétaires à Radio-Canada. À notre avis, de telles interventions s'inscriraient dans le cadre de son mandat.

Promotion des langues officielles dans la société

L'alinéa 43(1) *f*) de la Loi, qui stipule que le secrétaire d'État doit prendre toutes les mesures nécessaires « pour encourager les entreprises, les organisations patronales et syndicales, les organismes bénévoles et autres à fournir leurs services en français et en anglais et à favoriser la reconnaissance et l'usage de ces deux langues », lui confère en fait une responsabilité unique. Cet alinéa en effet déborde le champ d'application naturel de la Loi qui porte sur le gouvernement fédéral, ses institutions et les relations fédérales-provinciales, en embrassant l'essentiel des institutions canadiennes non gouvernementales. N'est-ce pas en définitive dans la société civile que se jouent en grande partie le sort et la vitalité à long terme de la dualité linguistique ?

Ici encore, le Secrétariat d'État estime que son rôle lui dicte d'inciter à l'action. Nous avons déjà dit plus haut que cette approche était bonne et nécessaire. Nous nous réjouissons ainsi du financement de quelque 70 organismes bénévoles afin de les aider à mettre en place des services en langues officielles, ou encore de l'aide financière fournie à près de 300 organismes pour leur permettre d'offrir des services dans les deux langues officielles au cours d'événements importants. Nous regrettons cependant que les ressources ne puissent suffire à la demande : ainsi 27 organismes bénévoles, souhaitant refléter la dualité linguistique dans leurs activités, attendaient toujours une réponse à la fin de l'année.

Le Secrétariat d'État pourrait peut-être envisager de donner plus activement suite à une initiative qu'il avait entreprise avec succès en 1988. Il s'agit d'une conférence, organisée avec notre participation, sur le thème de « La langue des affaires, une affaire de langues », et qui se proposait de faire valoir aux membres du secteur privé l'importance du facteur linguistique dans leurs rapports avec leurs clients. Les recommandations de la conférence, fort intéressantes, ne semblent pas avoir été mises en œuvre avec la vigueur voulue. À simple titre d'exemple, mentionnons que le Secrétariat d'État n'a pas encore entrepris d'étudier la possibilité de créer un réseau regroupant les banques de données terminologiques spécialisées, créées par les associations. Une autre recommandation intéressante invitait le ministère à entamer des pourparlers avec les gouvernements provinciaux pour qu'ils aident, de concert avec le gouvernement fédéral, les secteurs privé et bénévole à améliorer les services bilingues ou à en instaurer. À cet égard, les seules réalisations concrètes sont l'élaboration d'un

projet-pilote avec le Nouveau-Brunswick, en vue d'offrir une aide accrue aux organismes bénévoles de cette province, ainsi qu'un financement conjoint Canada-Québec de la traduction française d'un bulletin scientifique. Peut-être est-il temps de fouetter à nouveau les énergies.

Par ailleurs, nous avons nous-mêmes voulu savoir plus précisément quelle importance les organismes bénévoles accordaient à la dualité linguistique. Nous avons commandité, en collaboration avec le Secrétariat d'État, une étude entreprise par la Coalition des organismes nationaux volontaires, sur le statut et l'usage des langues officielles au sein de tels organismes et sur la volonté de leurs dirigeants à en faire la promotion au sein de la société canadienne. Les résultats de cette étude, que nous devrions recevoir en 1991, fourniront des renseignements précieux.

Nulle part la dualité linguistique n'a-t-elle plus d'importance que dans la région de la capitale nationale (RCN). Nous avons déjà souligné à maintes reprises qu'aux termes mêmes de la *Loi sur les langues officielles*, la région de la capitale nationale devait être le lieu par excellence de l'égalité entre nos deux langues officielles. Le Secrétariat d'État a donc pris en 1990 une mesure des plus utiles quand il a conclu, avec la Commission de la capitale nationale (CCN), un accord pour la promotion de la dualité dans la RCN. Nous avons examiné au Chapitre premier les grandes lignes de cet accord ainsi que d'autres développements relatifs à la vitalité et à l'épanouissement du français et de l'anglais dans la RCN.

Évaluation

Au cours de 1990, nous avons exprimé notre préoccupation de connaître le chemin parcouru par le Secrétariat d'État vers l'atteinte des objectifs que lui impose la Loi en matière de promotion des langues officielles au sein de la société canadienne.

Les efforts accomplis par le ministère dans ce domaine sont indéniables. Il y a tout d'abord les évaluations quinquennales, menées selon les critères d'évaluation établis par le contrôleur général. Les prochaines évaluations des programmes de langues officielles doivent avoir lieu en 1992, et le ministère se prépare déjà à en établir les paramètres.

Par ailleurs, il y a les diverses mesures ponctuelles d'analyse des programmes — ou de certains d'entre eux — qui ont été prises à certaines étapes. L'une des plus importantes est sans doute le rapport annuel que le ministère doit présenter au Parlement sur ses responsabilités en matière de langues officielles. Le rapport rendu public en décembre se montre résolument optimiste : il embrasse la totalité des activités du Secrétariat d'État, sans porter un jugement précis sur les progrès accomplis eu égard aux objectifs de la Loi. Il y a enfin les rapports *ad hoc* d'évaluation que tout organisme doit produire périodiquement.

Ces rapports et études mesurent bien l'efficacité et le rendement des programmes mis en œuvre par le Secrétariat d'État. Mais permettent-ils de savoir si les activités du ministère atteignent l'objectif fixé par le législateur ? Dans quelle

mesure ces activités favorisent-elles l'épanouissement des minorités francophone et anglophone du Canada, et sont-elles les plus aptes à le faire ? Dans quelle mesure incitent-elles les secteurs privé et bénévole « à fournir leurs services en français et en anglais et à favoriser la reconnaissance et l'usage de ces deux langues » ?

Existe-t-il une méthode d'évaluation autre que le simple examen des politiques et des réalisations à la lumière des objectifs généraux de la Loi ? Si certains des résultats peuvent être jaugés, d'autres sont beaucoup plus insaisissables. Il est évidemment toujours difficile d'établir des indicateurs de développement social; mais la tâche n'est pas impossible. Le Secrétariat d'État et les communautés minoritaires pourraient tenter de déterminer ensemble les priorités de développement et voir à les affiner au cours des ans. Ces priorités serviraient alors de critères d'évaluation, adaptés aux besoins des communautés et des provinces ainsi qu'aux ressources disponibles. Nous sommes prêts pour notre part à participer à une recherche en ce sens à partir de l'abondante documentation fournie au cours des ans par les associations minoritaires elles-mêmes.

Les ressources qu'exige un mandat élargi

Le cadre budgétaire du Programme des langues officielles dans l'enseignement et du Programme de promotion des langues officielles a été établi en 1988 pour une période de cinq ans. Or, ce cadre avait été fixé avant l'adoption de la *Loi sur les langues officielles* de 1988, qui a insufflé une nouvelle vigueur à l'ensemble de l'action du gouvernement fédéral dans le domaine des langues officielles. Personne n'aurait donc pu prédire alors qu'à mi-chemin de ce cycle quinquennal, un nombre important de projets qui satisfont pourtant aux critères des programmes doit être refusé à cause de ressources insuffisantes.

Il serait plus que regrettable que le Secrétariat d'État ne puisse pas bénéficier des ressources financières requises pour maintenir la vitesse de croisière des progrès réalisés dans ces domaines et relever les nouveaux défis. Des projets de centres scolaires et communautaires — ces établissements qui ont démontré une rentabilité socio-linguistique élevée — devront-ils être suspendus pendant deux ou trois ans jusqu'à ce que des fonds nouveaux soient débloqués ?

S'il y a un secteur où il faudra trouver une façon de répondre aux besoins nouveaux, c'est bien celui de la mise en place de « systèmes appropriés d'enseignement dans la langue de la minorité » que commande l'arrêt de la Cour suprême du Canada dans l'affaire *Mahé et al.* pour concrétiser les droits scolaires des minorités. Le Secrétariat d'État ne saurait laisser tomber les partenariats qu'il a établis avec les gouvernements provinciaux pour mettre en œuvre l'article 23 de la *Charte*. Il est donc essentiel que le financement nécessaire soit disponible selon les besoins. Peut-être faudrait-il envisager la signature d'ententes auxiliaires spéciales avec les gouvernements qui auront défini un « système

approprié » afin de s'assurer que celui-ci soit mis en place dans les meilleurs délais. Bref, il serait infiniment regrettable, surtout dans le contexte actuel, que les actions prioritaires qu'exige la *Loi sur les langues officielles* ne puissent être prises, faute d'y consacrer des ressources financières suffisantes.

Communications

L'année tumultueuse qu'a vécue le Canada en 1990 rendait encore plus impérative, à notre avis, la réalisation d'une vigoureuse promotion et l'élaboration d'énoncés objectifs sur notre dualité linguistique, pour contrer la méconnaissance et les préjugés.

Le Secrétariat d'État a produit en 1990 une trousse sur les langues officielles. Elle contient une quantité importante de renseignements et de faits sur nos langues officielles et répond à un besoin réel[1].

Le ministère s'apprêterait à lancer deux bandes vidéo sur les langues officielles. La première, destinée au grand public, présentera les fondements et l'importance de la dualité linguistique au Canada. La seconde, destinée surtout aux organismes fédéraux, sensibilisera ces derniers à la réalité des communautés minoritaires et de leurs besoins en matière de services.

Il s'agit là, avec le rapport annuel et les discours ministériels, lesquels sont assez peu nombreux sur ce sujet, des principaux « produits d'information » achevés ou en cours, avec une série d'autres textes courants, tels les communiqués. Ce bilan n'est pas négligeable, mais il ne nous paraît cependant pas à la hauteur des besoins. Le gouvernement, craignant sans doute d'éveiller le chat qui dort, reste en effet la plupart du temps timidement en dehors du débat public et défend avec beaucoup plus d'acharnement d'autres politiques sans doute importantes mais moins étroitement liées à notre identité nationale.

Vers la fin de 1989, le ministère se préparait à soumettre aux instances supérieures un plan de communications, qu'on disait ambitieux. Nous n'en avons plus entendu parler. À quel niveau de la hiérarchie gouvernementale cette tiédeur à défendre notre dualité linguistique, qui se trouve en butte à des attaques persistantes et souvent inconsidérées, s'est-elle située ?

On sera tenté de nous répondre que nous sommes là, que nous disposons de certaines ressources et qu'il ne faudrait surtout pas faire double emploi. Cela est vrai, encore que nos moyens restent fort limités. L'annexe A fait état de nos réalisations. Mais nous ne sommes pas les porte-parole du gouvernement et ne saurions nous acquitter de la tâche qui lui incombe dans ce domaine. À qui

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[1] La présentation de cette trousse est toutefois discutable puisqu'elle est constituée de feuilles mobiles qui, à l'usage, risquent de s'égarer.

revient-il par exemple de réfuter l'argument curieux de certains dirigeants minoritaires voulant que le bilinguisme gouvernemental « a nui aux groupes minoritaires » ou celui de certains autres qui affirment que les services donnés en langue minoritaire ont pour effet de « bilinguiser » inutilement le pays ? C'est là un rôle qui ne saurait du reste engager le seul gouvernement; il revient aussi aux parlementaires de faire leur part et d'expliquer le pays à leurs citoyens.

Commissariat et Secrétariat d'État — recherche : éléments et jalons

Cette année encore, la recherche a été un outil précieux pour l'élaboration des politiques relatives aux langues officielles et à l'appui aux minorités tout autant que pour la planification de certaines interventions sur le plan des communications. Les programmes de recherche du Secrétariat d'État et du Commissariat aux langues officielles sont bien rodés et fournissent aux universitaires, aux chercheurs et au gouvernement des études fort utiles. Toutefois, au cours de l'année 1991 et des années suivantes, il faudrait axer la recherche davantage sur les besoins opérationnels du gouvernement et assurer si possible une meilleure coordination entre les divers centres de recherches universitaires et autres. La relative raréfaction des fonds obligera tous les gestionnaires de la recherche à se montrer plus sélectifs et plus pragmatiques.

Les principales études commanditées par le Commissariat, qui ont été achevées ou sont en voie d'exécution en 1990, sont les suivantes :

- *Les droits scolaires des minorités de langue officielle au Canada : de l'instruction à la gestion*. Cette étude porte sur l'interprétation et la mise en œuvre de l'article 23 de la *Charte canadienne des droits et libertés* ainsi que sur de multiples jugements des tribunaux au cours des dernières années.

- *Rapport sur un sondage relatif à l'utilisation des langues officielles dans la région de la capitale nationale*. Entrepris et commenté par le professeur Aubry, de l'Université du Québec à Hull, ce sondage apporte des éclaircissements sur le comportement et les attentes des différents groupes de langue officielle dans la RCN, qu'ils soient majoritaires ou minoritaires. Nous avons examiné au Chapitre premier les principales conclusions de l'avant-projet de ce rapport.

- *Bibliographie analytique des langues officielles*. Entreprise par le Centre international de recherche en aménagement linguistique de l'Université Laval, pour le compte du Commissariat, cette bibliographie traite de la problématique générale des langues officielles au Canada, de 1960 à 1989. Elle recense 88 titres regroupés sous quinze thèmes.

- Conjointement avec le Commissariat, le Secrétariat d'État prépare une étude susceptible de mener à un sondage national ou à des consultations sur les attitudes des majorités et des minorités quant aux problèmes de ces dernières.

- Le Commissariat a demandé à Statistique Canada d'examiner les répercussions des exigences linguistiques sur le cheminement de carrière des fonctionnaires fédéraux, particulièrement dans la RCN.

- L'Ontario Institute for Studies in Education entreprend une étude pour le Commissariat sur le maintien des acquis dus à la formation en langue seconde.

Le Secrétariat d'État a commandité ou rendu publiques en 1990 les études suivantes :

- Une série de 12 études individuelles sur l'état des communautés minoritaires de langue officielle, de leur développement économique, culturel, artistique et des médias à leur disposition.

- Une série de monographies sur certains aspects thématiques de la vie des communautés de langue officielle, comme la formation des ressources humaines, était en chantier au moment de mettre sous presse. On annonçait en particulier des études sur la radio communautaire pour les Anglo-Québécois à Saint-Augustin, au Québec, et sur celles de la Huronie et de la Péninsule du Niagara, en Ontario.

- Des études mi-descriptives, mi-bibliographiques sont en cours; entreprises essentiellement par des universitaires, elles porteront sur différents aspects de la vie des communautés minoritaires.

- Une série de profils démolinguistiques sur les dix provinces et les deux territoires a été publiée. Préparés par Réjean Lachapelle et Louise Dallaire, deux chercheurs de Statistique Canada, ces profils ont eu un grand succès et sont en voie de réimpression.

PARTIE II

Analyse — La réforme dans les institutions fédérales

1. L'ombudsman et le citoyen

Tant par leur nature que par leur nombre, les plaintes adressées au Commissariat en 1990 indiquent que, faute de règlements précisant la portée de la *Loi sur les langues officielles* de 1988, la réforme linguistique semblait engagée dans un cul-de-sac. Le deuxième chapitre de la présente partie, qui porte sur la langue de service, indique pourtant un certain progrès dans ce domaine. Toutefois, que ce soit en matière de participation équitable des membres des communautés linguistiques ou de langue de travail, les droits linguistiques des Canadiens demeurent pour ainsi dire en suspens. Heureusement que le gouvernement, à la suite du rapport du Comité mixte permanent des langues officielles et de notre rapport spécial au Parlement, s'est enfin décidé en novembre à déposer un avant-projet de règlement sur les communications et la prestation de services au public. Cet avant-projet, dont les fonctionnaires connaissaient la teneur depuis un bon moment, devrait permettre, une fois mis en œuvre et bien expliqué aux Canadiens, d'améliorer le service au public dans les deux langues. Toutefois, il aura fallu quatre ans avant que le premier règlement n'ait pris effet; combien de temps faudra-t-il attendre avant qu'il ne soit suivi de la réglementation complète prévue par la Loi ?

Le droit qu'ont les employés de l'État des régions bilingues de travailler dans la langue officielle de leur choix est encore méconnu et nécessite lui aussi une réglementation du gouverneur en conseil pour en préciser la portée. Il en est de même pour la participation équitable des deux communautés de langue officielle qui accuse depuis de nombreuses années d'importants déséquilibres sectoriels. Cette lenteur paraîtra inexcusable à tous ceux qui connaissent l'esprit dynamique et les engagements de la Loi de 1988.

Les plaintes de 1990 révèlent encore une fois que les citoyens sont traités de façon inégale d'une institution et d'une région à l'autre. Elles continuent de témoigner de la lourdeur administrative de l'appareil fédéral et du peu de priorité accordé trop souvent par les gestionnaires et les employés fédéraux au service dans les deux langues officielles. À ceux qui pourraient trouver réconfort dans le fait que les 2 690 plaintes que nous avons reçues sont bien peu de choses par rapport à la multitude de transactions entre les institutions fédérales et les

Canadiens, nous aimerions faire part de ce qui suit. Une récente étude d'une fondation américaine[1] révèle que 4 p. 100 seulement des consommateurs insatisfaits se plaignent. Les autres préfèrent garder le silence, mais neuf clients insatisfaits sur dix changent de fournisseurs à la première occasion, quand ils le peuvent. Nous savions par expérience que le public canadien est peu enclin à se plaindre et nous l'avons maintes fois répété. Cette année encore, beaucoup d'exemples ont renforcé notre conviction qu'une seule plainte peut représenter un très grand nombre de dérogations à la Loi. Par exemple, nous avons reçu à peine six plaintes au sujet d'une lettre unilingue anglaise distribuée en juin dernier à quelque... 38 000 citoyens francophones ! On aurait tort de croire que les 37 994 autres s'en désintéressent; ils perdent seulement un peu plus confiance dans le respect de la Loi.

Dans le présent chapitre, nous passerons en revue les différentes tendances qui se sont dessinées du côté des plaintes cette année. Nous y discuterons aussi, en plus du recours judiciaire, des moyens privilégiés par le Commissariat pour traiter les cas présentés par le public et les employés de l'État. Enfin, nous décrirons certains dossiers typiques ouverts en cours d'année afin d'illustrer par des exemples concrets quelques-unes de nos interventions.

L'objet des plaintes

Le nombre de plaintes recevables a légèrement diminué en 1990; il s'établit à 2 476, par rapport à 2 388 l'année dernière. Par ailleurs, 414 autres plaintes n'ont pas été retenues, soit parce qu'il n'y avait pas d'infraction à la Loi, soit parce que leur objet ne relevait pas du mandat du Commissaire. Depuis la promulgation de la nouvelle Loi en 1988, les plaintes ont connu une hausse de l'ordre de 25 p. 100.

C'est évidemment le service au public qui a fait l'objet du plus grand nombre de plaintes en 1990. Nous avons accepté d'en instruire 1 980 à ce seul chapitre, soit 87 p. 100 de tous les dossiers ouverts. Comme les déficiences touchent davantage les services en langue française, ce sont les francophones, dans une proportion de 89,2 p. 100, qui portent plainte. Les plaintes provenant d'anglophones s'élèvent à 246, soit 10,8 p. 100 du total; celles des Anglo-Québécois sont passées de 137 à 139.

Nous avons enregistré en 1990 une baisse des plaintes dans deux régions. Il s'agit de la région de la capitale nationale et celle de l'Atlantique, qui ont connu une diminution respective de 19 et de 13 p. 100. Partout ailleurs, l'augmentation du nombre de plaintes est appréciable, à commencer par la région de l'Ontario où l'on enregistre un accroissement de 12 p. 100. Dans les régions du Québec et de l'Ouest, les hausses s'établissent à 10 et 5 p. 100 respectivement.

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[1] U.S. Direct Selling Education Foundation.

Parmi les causes principales des plaintes en matière de langue de service, les communications dans les médias et les communications visuelles occupent toujours les premiers rangs. Cette année, 443 plaintes ont été déposées relativement à l'utilisation des médias par les institutions fédérales qui ne respectent pas toujours leur obligation de publier leurs annonces dans les deux langues officielles. Ce chiffre, qui représente 19 p. 100 du total des plaintes recevables, diffère peu de celui de l'an dernier (451) et traduit bien l'absence d'une politique gouvernementale claire visant à mieux faire comprendre aux institutions fédérales la portée des articles 11 et 30 de la Loi. L'affichage a par ailleurs fait l'objet d'un plus grand nombre de plaintes en 1990 (373) par rapport à 1989 (311). L'offre active de services bilingues est particulièrement faible dans les régions de l'Ouest, de l'Ontario et du Québec, et cela malgré la mise en place du symbole du Conseil du Trésor en 1988. Les plaintes qui nous sont adressées en ce domaine signalent le plus souvent des infractions commises par les concessionnaires dans les aéroports ou par des sous-traitants de la Société canadienne des postes qui exploitent des comptoirs postaux.

Quoique, dans l'ensemble, le nombre de plaintes relatives à la langue de travail se soit maintenu, nous constatons que le nombre d'infractions a plus que doublé dans ce domaine au Québec. La majorité d'entre elles concerne l'absence d'instruments de travail en français dans les bureaux de la Société canadienne des postes, du Service canadien du renseignement sur la sécurité et des Chemins de fer nationaux.

L'article 91 de la Loi portant sur l'obligation des institutions fédérales de définir objectivement les exigences linguistiques lors de la dotation des postes a donné lieu à 116 plaintes comparativement à 93 l'année dernière. Cette tendance à la hausse témoigne de l'intérêt suscité par cette nouvelle disposition de la Loi, qui vise à protéger également les communautés majoritaires et minoritaires. Ainsi, le processus de dotation des postes repose sur des critères objectifs qui permettent d'éliminer l'arbitraire, notamment pour l'identification linguistique, pour l'établissement des niveaux de compétence requis en langue seconde ainsi que pour la désignation du caractère impératif ou non impératif d'une dotation. Huit des neuf plaintes (89 p. 100) provenant de la région du Québec émanent de la communauté francophone, donc de la majorité linguistique. À l'inverse, les plaintes d'anglophones représentent 22 p. 100 des cas (24 sur 107) qui nous sont soumis d'ailleurs au Canada.

Le schéma I décrit la proportion des plaintes par rapport aux différents services offerts par l'administration fédérale. La nature des plaintes relatives à la langue de travail est illustrée au schéma 2. Le tableau général sur la répartition et la nature des plaintes déposées en 1990 figure à l'annexe A.1 du présent rapport. Toutes les données tiennent compte des sociétés d'État.

L'approche systémique

Le Commissariat a continué de regrouper certains dossiers afin de s'attaquer aux causes communes des infractions. Cette approche systémique fut mise à

Schéma 1

Langue de service (1990)
Plaintes instruites

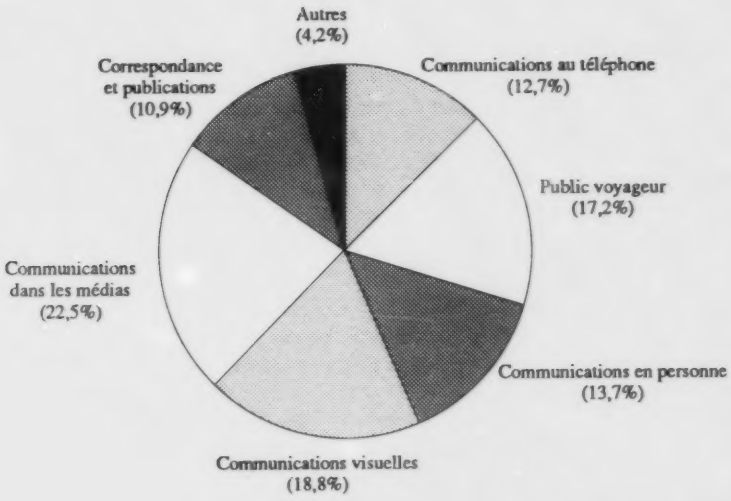
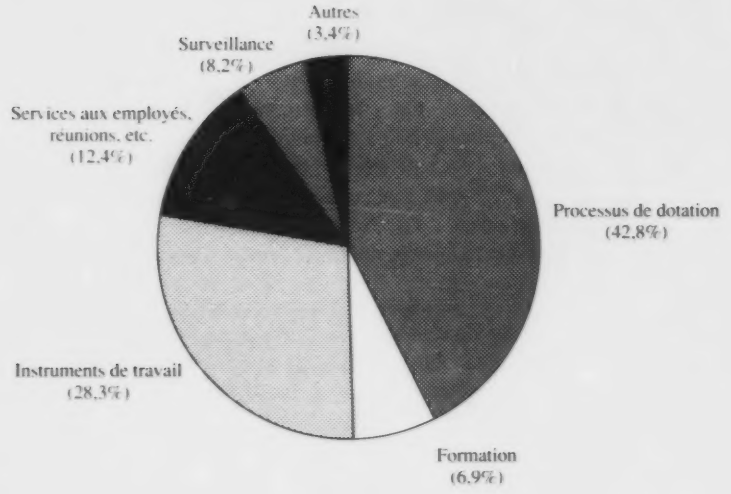


Schéma 2

Langue de travail (1990)
Plaintes instruites



contribution dans le cas des plaintes touchant à l'utilisation des médias des deux langues officielles, à l'offre active des services bilingues et à l'application de l'article 91 de la Loi sur la dotation des postes. Chaque regroupement a donné lieu à un rapport spécial assorti de recommandations adressées au Conseil du Trésor.

Nous avons noté un nombre élevé de plaintes relatives aux articles 11 et 30 de la Loi portant sur l'utilisation des médias de langues française et anglaise. Par conséquent, nous avons formulé des recommandations au Secrétariat du Conseil du Trésor pour que soient définies, diffusées et mises en œuvre une politique et des lignes directrices s'adressant à toutes les institutions fédérales en ce qui concerne l'annonce des services fédéraux dans les deux langues officielles.

L'offre active des services bilingues a également fait l'objet d'un rapport. Nous avons constaté que l'accueil en personne dans les bureaux fédéraux, même s'il est requis par la Loi, se fait rarement dans les deux langues officielles et que les bureaux en mesure d'offrir un service bilingue devraient être mieux annoncés auprès du public.

Enfin, le troisième rapport traitait de l'article 91 de la Loi. Cette nouvelle disposition confirme que l'attribution des exigences linguistiques doit correspondre, de façon « objective », aux fonctions dévolues à chaque poste. Le rapport faisait état, à la lumière des plaintes reçues par le Commissariat, du manque d'encadrement des gestionnaires — ignorance de la Loi, absence de réglementation, complexité des systèmes de classification et de dotation des postes bilingues — et de la méconnaissance des besoins de la clientèle. Le Commissaire a adressé une recommandation au Conseil du Trésor afin de combler ces lacunes.

Le recours judiciaire

Le recours judiciaire du Commissaire, établi en vertu de la Partie X de la *Loi sur les langues officielles*, s'inscrit dans le prolongement de son rôle d'ombudsman linguistique. Il ouvre de nouveaux horizons en ce qu'il permet à toute personne nous ayant soumis une plainte relativement à des infractions spécifiques, en l'absence d'un règlement à l'amiable, de demander à la Cour fédérale de trancher. Le plaignant peut exercer ce recours seul ou avec le concours du Commissaire. Afin de faciliter l'exercice de ce recours, nous avons publié et mis à la disposition des plaignants cette année un dépliant intitulé *Vers la justice linguistique*.

Dans notre rôle d'ombudsman linguistique, nous privilégions évidemment les solutions négociées entre les parties intéressées, le recours judiciaire n'étant envisagé qu'en tout dernier ressort. De fait, dans presque tous les dossiers, les plaignants et les institutions fédérales en cause acceptent les avis et les recommandations du Commissaire. Nous avons tout lieu de croire que l'existence du recours judiciaire a une certaine influence sur la décision des institutions d'en arriver à une solution à l'amiable.

Le premier et le seul recours judiciaire que nous ayons exercé pour le compte de plaignants a été déposé en septembre 1990 devant la Cour fédérale. Il met en cause la société Air Canada et porte sur l'interprétation de l'article 30 de la Loi, qui traite de l'obligation des institutions fédérales d'utiliser des médias qui leur permettent d'assurer une communication efficace avec le public dans les deux langues officielles.

Deux autres recours ont été exercés auprès de la Cour fédérale, sans le concours du Commissaire. Les affaires *Côté* et *Institut professionnel de la fonction publique*, actuellement devant le tribunal, portent principalement sur l'article 91 de la *Loi sur les langues officielles* qui traite de l'attribution objective des exigences linguistiques dans le cadre d'une dotation en personnel.

Études de cas

La plainte type se rapporte, nous le savons, aux services offerts au public par les institutions fédérales. Plusieurs des cas présentés ci-dessous traitent de cet aspect, mais nous avons également signalé des cas portant sur le choix de la langue de travail. Les dispositions relatives à la participation équitable des membres des deux communautés linguistiques ne peuvent faire l'objet de plaintes individuelles étant donné leur caractère collectif.

Les détenus ont aussi des droits

Le Commissariat a reçu trois plaintes de détenus anglophones du pénitencier fédéral de Cowansville au Québec, qui ont rapidement suscité notre intérêt étant donné leur signification pour l'ensemble de la population des établissements carcéraux, d'autant plus que ces plaintes viennent s'ajouter à bien d'autres déposées au cours des ans de tous les coins du pays. Faut-il rappeler l'importance particulière que revêt le respect des droits linguistiques des personnes qui, placées dans des institutions ou des situations intimidantes, peuvent plus difficilement les faire valoir ?

Les plaignants affirmaient que les soins psychiatriques dont ils avaient besoin n'étaient pas disponibles dans leur langue. À chaque intervention du Commissariat, le Service correctionnel a réagi promptement et a fait le nécessaire pour que les détenus reçoivent les soins qu'ils réclamaient dans la langue officielle de leur choix. Néanmoins, étant donné que nous recevons régulièrement des plaintes à cet égard, il nous a semblé évident qu'il subsistait des lacunes quant à la disponibilité de soins psychiatriques en anglais. Nous avons donc décidé de pousser plus loin notre enquête.

Les services de psychiatrie ne sont pas assurés par le pénitencier de Cowansville. En fait, le Service correctionnel a signé un contrat avec un institut spécialisé, en vertu duquel les soins psychiatriques sont dispensés aux détenus dans les différents pénitenciers de la région du Québec. Bien que l'entente contractuelle

prévoie que des soins doivent être prodigués dans les deux langues officielles, nous avons constaté que des dérogations peuvent se produire. L'une des plaintes reçue, par exemple, signalait l'absence de traitement en langue anglaise pour les délits d'ordre sexuel. Le détenu ne s'est vu offrir une solution de rechange qu'après de nombreuses semaines de négociations.

Les soins psychiatriques font partie des services essentiels dispensés aux détenus. Dans certains cas, les thérapies deviennent partie intégrante du plan de séjour dans une institution carcérale et peuvent être déterminantes pour la réhabilitation. À défaut de recevoir le traitement prescrit, un détenu n'a pas rempli toutes les conditions de son incarcération et peut, par exemple, voir sa demande de libération conditionnelle retardée. Il est par conséquent impérieux que les soins psychiatriques soient offerts spontanément en anglais aussi bien qu'en français dans les établissements de détention. Notre enquête se poursuit afin de cerner tous les aspects du problème et de proposer des solutions.

Langues officielles et patrimoine architectural peuvent faire bon ménage

Certaines plaintes, à première vue anodines, se révèlent parfois des plus difficiles à résoudre. En voici un bon exemple.

L'inscription unilingue « *Royal Mint* » gravée dans la pierre au-dessus du portail principal de l'Hôtel de la Monnaie, promenade Sussex à Ottawa, n'a pas manqué de susciter des plaintes auprès du Commissariat. Nous avons fait enquête.

L'édifice de la Monnaie royale canadienne fut construit en 1908, alors que le Canada ne frappait pas encore sa propre monnaie. À cette époque, l'édifice abritait une succursale de la Royal Mint de Londres, ce qui explique le libellé de l'inscription sur le linteau. Comment concilier ce trait historique avec l'exigence de la Loi selon laquelle l'identification d'une institution fédérale doit être dans les deux langues officielles ?

Compte tenu des origines de l'Hôtel de la Monnaie et de sa valeur patrimoniale, il eût été déraisonnable de modifier ou même de masquer l'inscription initiale du linteau de pierre. Il ne fallait pas, après tout, récrire l'histoire. En revanche, le *statu quo* n'était pas acceptable puisque les installations de la promenade Sussex, maintenant occupées par la Monnaie royale canadienne et situées le long du parcours d'honneur de la capitale, n'étaient pas identifiées adéquatement dans les deux langues officielles. Après des mois de discussions souvent ardues avec les nombreuses instances fédérales intéressées, soit la Monnaie royale canadienne, le Bureau d'examen des édifices fédéraux à valeur patrimoniale, le ministère des Travaux publics et la Commission de la capitale nationale, nous en sommes finalement arrivés à une solution. En apposant sur la clôture qui ceint l'édifice des inscriptions bilingues suffisamment visibles et qui s'harmonisaient avec l'ensemble architectural, le tour était joué. Tout fut mis en place à l'automne, et

les résultats sont satisfaisants. Après avoir tergiversé depuis des années, la Défense nationale devrait s'inspirer de cet exemple pour remédier au caractère unilingue du « Drill Hall », situé au centre-ville de la capitale.

Banff : les montagnes répercutent enfin l'écho de nos deux langues officielles

De tous les parcs nationaux du Canada, celui de Banff occupe sans contredit une place de choix dans le cœur des amants de la nature. Fréquenté par des millions de personnes chaque année, il est le plus connu, et rares sont les visiteurs de l'Ouest canadien qui n'ont pas prévu y faire un séjour.

À la suite de plaintes répétées de visiteurs francophones, qui faisaient état entre autres de l'absence de service dans leur langue à l'entrée principale du parc, située du côté est, le Commissariat a décidé de procéder à une vérification. Les agents ont constaté qu'il y avait du personnel bilingue à la barrière, mais que le service en français n'était pas toujours assuré pour autant. En effet, les préposés bilingues travaillaient dans l'un des quatre postes de péage qu'on trouve à cet endroit, d'où l'impossibilité pour les automobilistes, faute d'indications, de savoir où le service en français était offert. Les longues files d'attente empêchaient également les préposés unilingues de faire appel à un collègue bilingue. Bref, les mesures en place ne répondaient pas aux exigences de la *Loi sur les langues officielles* quant à l'offre active et à la prestation du service bilingue.

Nous avons fait rapport au Service des parcs et, plaintes du public à l'appui, avons demandé qu'on remédie à cette situation. Le Ministère s'est exécuté de bonne grâce en adoptant un plan d'action visant à corriger cette lacune, de même que les autres observées dans différents parcs de l'Ouest. Dans le cas de Banff, nous sommes particulièrement heureux des premiers résultats. Aux abords de l'entrée est, le parc a fait ériger un grand panneau électronique au-dessus de la route, qui indique notamment aux automobilistes quelle voie emprunter pour obtenir le service bilingue. Cette solution a le mérite d'assurer un meilleur service dans les deux langues officielles, tout en limitant le nombre de préposés bilingues requis à cette fin. Dans ce dossier comme dans bien d'autres, les plaintes auront été à l'origine d'un changement, sans doute fort apprécié par la clientèle francophone du parc national de Banff.

La langue de travail doit-être celle du plus fort ?

En comparaison de sa version antérieure, la *Loi sur les langues officielles* de 1988 comporte une différence fondamentale : elle reconnaît maintenant explicitement le droit aux employés fédéraux, sous réserve des exigences du service au public, de travailler dans la langue officielle de leur choix dans les régions du pays désignées à cette fin et dans la région de la capitale nationale. Outre leur obligation de servir le public dans les deux langues officielles, ministères et organismes fédéraux doivent créer à ces endroits un milieu de travail où les employés se sentent libres d'utiliser le français ou l'anglais.

Un employé francophone du Musée canadien des civilisations s'est plaint d'avoir fait l'objet de discrimination de la part d'un surveillant unilingue anglophone. Il a fait valoir qu'il ne pouvait travailler et être surveillé en français, que les instruments de travail et les instructions lui étaient remis en anglais et qu'en conséquence, son travail n'avait pas été évalué à sa juste valeur. Sa cote de rendement, selon lui, n'était pas étrangère à la décision du Musée de déclarer son poste excédentaire.

Notre enquête a clairement établi que plusieurs infractions aux dispositions de la Loi relatives à la langue de travail avaient été commises. Le surveillant n'avait pu communiquer en français avec l'employé francophone, lui avait remis des instructions de travail complexes en anglais seulement et n'avait pas respecté le choix de langue de son subalterne lors de l'évaluation du rendement. La direction du Musée a immédiatement remédié à ces lacunes. Il est peu probable qu'une telle situation se reproduise, dans cette institution à tout le moins.

Ce que notre enquête n'a pu démontrer, toutefois, c'est que les infractions relatives à la langue de travail avaient influencé l'évaluation du rendement de l'employé. La décision du Musée d'abolir des postes n'était aucunement reliée à ce dossier, et le choix des titulaires excédentaires s'était opéré en fonction des tâches abolies. Si la plainte n'a pas permis à l'employé de réintégrer ses fonctions, qui s'est vu confier un nouvel emploi, elle aura eu le mérite d'améliorer les pratiques de gestion du Musée en matière de langue de travail.

Les avions peuvent atterrir en français aussi

Le 20 juin 1990, l'aéroport international d'Ottawa a inauguré la première phase de son programme de bilinguisation du contrôle aérien. Depuis, les pilotes francophones peuvent communiquer en français avec la tour de contrôle durant les heures de pointe, de 7 h à 23 h. Le ministère des Transports doit accroître les services bilingues de l'aéroport, jusqu'à ce qu'ils soient assurés vingt-quatre heures sur vingt-quatre et ce, dès le 31 mars 1991.

L'événement vaut la peine d'être souligné, bien qu'il survienne après de nombreux retards et qu'il soulève certaines critiques sur le mode de fonctionnement du système mis en place.

Un certain nombre de contrôleurs aériens en poste à Ottawa ne disposent pas encore d'un degré de bilinguisme adéquat. Afin d'assurer les services dans les deux langues officielles à toute heure du jour, au moins douze contrôleurs bilingues qualifiés sont requis. Or, la formation dans ce domaine fort spécialisé s'avère longue et ardue, d'où la difficulté de disposer du personnel bilingue en nombre suffisant — y compris sur le plan de la surveillance — en l'espace de quelques mois. Afin de ne pas retarder indûment son programme de bilinguisme

à la tour de contrôle d'Ottawa, le ministère des Transports a donc choisi de procéder par étapes. Ainsi, la tour de contrôle communique avec les pilotes francophones et anglophones sur deux fréquences radio distinctes : ce qui ne semble pas poser de problèmes particuliers. Au Québec, où le contrôle aérien bilingue est en vigueur depuis 1979, contrôleurs et pilotes communiquent sur une même fréquence.

Si le ministère des Transports a le mérite d'avoir su composer avec ses ressources afin d'effectuer le contrôle aérien dans les deux langues officielles au-dessus de la capitale, il faut se demander si une meilleure planification à long terme n'aurait pu aplanir les obstacles auxquels il s'est heurté. Former des spécialistes demande du temps. C'est pourquoi les exigences du bilinguisme doivent être prises en ligne de compte dès l'embauche des candidats et tout au long de leur formation de façon à s'assurer longtemps d'avance d'un bassin d'employés bilingues qualifiés.

Ne tirez pas si vous ne comprenez pas !

La Loi et le Commissaire accordent une importance toute particulière aux situations où l'emploi des deux langues officielles peut s'avérer un élément essentiel de l'efficacité des mesures visant à protéger la santé du public ou à garantir sa sécurité.

Appelé à faire enquête au Centre de recherches de la Défense nationale à Valcartier, le Commissariat s'est intéressé aux essais d'armement, afin de déterminer si les langues officielles étaient prises en considération au cours des exercices. Les enquêteurs ont assisté à des tirs d'essai, interviewé différents participants et examiné la documentation pertinente. Avant les exercices de tir, un officier donne des consignes sur la sécurité et la marche à suivre aux personnes travaillant sur les lieux. Les instructions étaient communiquées dans les deux langues officielles, mais il n'en avait pas toujours été ainsi. En effet, avant 1989, les officiers donnaient leurs instructions à des particuliers ou à des groupes, selon les besoins. Dans certains cas, des employés unilingues francophones ne comprenaient pas entièrement les instructions car les officiers de tir, au nombre de trois, n'étaient pas tous bilingues. Un jour, un camionneur ayant mal compris l'officier de service qui lui disait d'aller vers la barrière protectrice s'est dirigé vers le champ de tir !

Au moment de notre visite, les trois officiers de tir en poste étaient tous bilingues. Cependant, cette situation peut changer à tout moment en raison du roulement du personnel. Les officiers de tir sont habituellement des maîtres canonniers et font partie du groupe d'artillerie. Or, il y a pénurie de personnes bilingues dans ce domaine. C'est pourquoi le Commissaire a recommandé, pour des raisons de sécurité, que les Forces canadiennes prennent sans délai les mesures nécessaires afin de s'assurer que tous les officiers de tir travaillant dans

des secteurs où sont présents les deux groupes linguistiques sont bilingues. La Défense nationale nous a fait savoir qu'elle offrirait un plus grand nombre de places aux artilleurs dans les cours de formation linguistique. Au moment d'écrire ces lignes, toutefois, le Ministère n'avait pas encore résolu la difficulté de combler désormais chaque poste de maître canonnier bilingue par un titulaire qualifié.

On ose se plaindre de la TPS

En vertu de l'article 22 de la Loi, les institutions fédérales doivent veiller à ce que le public puisse communiquer avec leur siège social ou leur administration centrale, et en recevoir les services, dans l'une ou l'autre des langues officielles. Cette disposition découle elle-même de l'article 20 de la *Charte canadienne des droits et libertés*, lequel précise le droit de chaque citoyen à des services bilingues dans les mêmes circonstances. En d'autres termes, les bureaux principaux d'une institution fédérale doivent fournir d'office des services de qualité égale dans chaque langue officielle, sans que le public ait à demander d'être servi dans la langue de son choix.

En mai dernier, le ministère des Finances a distribué un feuillet d'information sur la TPS dans les foyers canadiens. Vingt-trois personnes, francophones et anglophones, se sont plaintes parce qu'elles n'avaient pas reçu cette information dans la langue officielle de leur choix.

Nous avons demandé des explications au Ministère qui nous a dit avoir distribué la documentation à plus de dix millions d'exemplaires. Par souci d'économie, nous dit-on, le Ministère a distribué le feuillet dans les deux langues dans toutes les régions du Canada où la population de langue minoritaire excédait 5 à 10 p. 100. Ailleurs, les foyers ont reçu le feuillet en une seule langue. Les exemplaires unilingues comportaient une indication invitant les contribuables de l'autre langue officielle à téléphoner à un numéro sans frais pour obtenir l'exemplaire dans leur langue.

Nous avons répondu au ministère des Finances qu'en raison du mode de distribution choisi, la Loi exigeait que ces documents soient tous bilingues, puisque la préférence linguistique des destinataires était inconnue. Le Ministère a affirmé qu'il mettrait tout en œuvre pour s'acquitter de cette obligation; entre-temps, à notre demande, il a indiqué qu'il préparait une lettre d'excuses que nous devions transmettre aux plaignants avec un exemplaire bilingue du feuillet sur la TPS.

Le Ministère semble s'être ravisé plus tard puisqu'il nous informait en octobre dernier qu'à l'avenir, ses imprimés en versions française et anglaise distinctes seraient distribués en fonction de données démographiques plus détaillées. Il y aurait en contrepartie davantage d'éditions bilingues, et les exemplaires unilingues mentionneraient que l'information est disponible dans l'autre langue officielle... sur demande. Aussitôt dit, aussitôt fait : une deuxième trousse d'information était distribuée, et nous recevions 15 nouvelles plaintes !

Précisons que la *Loi sur les langues officielles* ne prescrit pas aux institutions fédérales de recourir à un mode spécifique de publicité. Elle crée cependant l'obligation, pour le bureau principal d'une institution qui choisit de distribuer de la documentation à l'ensemble des Canadiens, de le faire dans les deux langues officielles, à moins de connaître la préférence linguistique des destinataires. Ces dossiers étaient toujours à l'étude en fin d'année.

2. Langue de service : second début

Nous signalons avec plaisir que la prestation de services dans les deux langues officielles a marqué des progrès en 1990, bien que la situation laisse encore à désirer dans de nombreux secteurs. Sans aucun doute, le dépôt du très attendu avant-projet de règlement sur les communications avec le public et la prestation des services a été le fait saillant de l'année. Néanmoins, il aura fallu attendre la présentation au Sénat et à la Chambre des communes d'un rapport du Comité mixte permanent des langues officielles, ainsi que la remise de notre rapport spécial au Parlement, pour que le gouvernement présente son avant-projet de règlement qui, dans le meilleur des cas, ne prendra effet que quatre ans après l'adoption de la *Loi sur les langues officielles* de 1988. Quoi qu'il en soit, il convient de saluer le dépôt, même tardif, de l'avant-projet qui témoigne d'une réelle confiance dans le caractère permanent de la dualité linguistique canadienne. Pour la première fois, une réglementation propose une série de règles uniformes pour toutes les institutions fédérales en matière de services dans la langue de la minorité, et confirme le droit des minorités de langue officielle d'obtenir auprès de ceux-ci des services dans la langue de leur choix (voir Partie I, chapitre 2). En outre, la réglementation poursuit les mêmes objectifs que le programme Fonction publique 2000, voué notamment à l'amélioration du service au public.

Selon notre évaluation de cinquante ministères et organismes fédéraux, et d'après les enquêtes que nous avons menées, le service au public commence progressivement à se ressentir positivement de l'effet de la Loi de 1988. Le pictogramme de l'offre active, que le Conseil du Trésor a diffusé dans tous les bureaux fédéraux en 1989, a beaucoup contribué à améliorer la situation. Certains succès ont également été enregistrés dans les domaines du service au public, partie intégrante des lettres d'entente conclues entre le Conseil du Trésor et quelque quarante institutions fédérales. Transports Canada achève par ailleurs de mettre au point des règlements qui obligeront toute compagnie dont les avions survolent le territoire canadien avec à leur bord plus de vingt passagers, à annoncer les consignes de sécurité dans les deux langues officielles. Le Service canadien des parcs d'Environnement Canada a pour sa part sensiblement amélioré sa prestation de services en français dans ses parcs de l'Ouest, notamment celui de

Banff. Les ministères de la Santé et du Bien-être social, de l'Énergie, des Mines et des Ressources ainsi qu'Agriculture Canada ont tous pris des dispositions pour adapter à la *Loi sur les langues officielles* certains règlements sur l'étiquetage de produits de consommation. Douanes et Accises Canada a continué d'améliorer les services bilingues aux postes frontaliers, notamment en Ontario. De plus, le contrôle du trafic aérien à l'aéroport international d'Ottawa se fait désormais dans les deux langues officielles.

Le lecteur trouvera dans le présent chapitre une mise à jour des résultats de l'application de nos recommandations antérieures, un commentaire sur les plaintes, une évaluation par bureau du service au public, ainsi que les résultats d'une étude spéciale sur l'offre active de services bilingues aux voyageurs.

Suivi des recommandations

La plupart de nos recommandations des dernières années concernaient la demande importante et la vocation du bureau, la prestation de services par des tiers, les exigences en matière de sécurité, ainsi que les activités nationales et internationales. L'avant-projet de règlement déposé par le gouverneur en conseil, en 1990, a tenu compte de ces éléments, à l'exception de la notion de bureau, qu'il reste encore à définir.

D'autres recommandations visaient les aspects administratifs du programme, tels la suppression progressive du niveau élémentaire (A) de compétence en langue seconde; la présence en tout temps, dans chaque bureau à désignation bilingue, d'un employé pleinement bilingue (de niveau C) capable de traiter les cas complexes; et le resserrement des mesures destinées à évaluer l'efficacité des arrangements administratifs et le suivi de l'offre active de services. Ces recommandations ont été appliquées de façon très inégale. Les meilleurs résultats ont été obtenus au chapitre des postes bilingues occupés par des employés ayant un niveau élémentaire de compétence linguistique, dont le nombre a sensiblement diminué. De 5 835 (9,3 p. 100) qu'il était en 1987, il a en effet chuté à 3 547 en 1990 (soit 5,7 p. 100). Pour ce qui est de la présence en tout temps d'employés pleinement bilingues (de niveau C) et du resserrement des mesures de contrôle, rien n'a encore été réalisé.

Les plaintes en bref

Plusieurs domaines réclament des correctifs, et d'une année à l'autre, les plaintes déposées au Commissariat permettent de déterminer où les appliquer. En 1990, le nombre de plaintes relatives au service au public a légèrement diminué, passant de 2 085 en 1989 à 1 980. Les trois organismes qui ont fait l'objet du plus grand nombre de plaintes sont les mêmes que l'an dernier : la Société canadienne des postes (en baisse de 354 à 274), Transports Canada (en baisse de 328 à 248) et Air Canada (en hausse de 225 à 255). Il n'est pas étonnant que les institutions qui entretiennent le plus grand nombre de contacts avec le public

soient la cible du plus grand nombre de plaintes. Cela n'en excuse pas moins la récurrence du phénomène. D'une année à l'autre, on déplore les mêmes lacunes, par exemple l'insuffisance de services en français aux guichets d'Air Canada des aéroports internationaux de Toronto et de Winnipeg, ou aux comptoirs de vente au détail de la Société canadienne des postes à Moncton, à Halifax et à Edmonton. Le nombre de plaintes à l'endroit de Consommation et Corporations a considérablement augmenté, passant de 58 en 1989 à 129 en 1990, la plupart portant sur l'emballage et l'étiquetage unilingue de certains produits d'importation. Le Commissariat a entrepris à la lumière de la Loi de 1988 un examen des lois et des règlements relatifs à la langue d'emballage et d'étiquetage.

Le nombre de plaintes a considérablement augmenté en Alberta et en Ontario, où elles sont passées respectivement de 123 (5,9 p. 100) à 204 (10,3 p. 100), et de 303 (14,5 p. 100) à 362 (18,2 p. 100) de 1989 à 1990. En Alberta, il s'agissait principalement des communications en personne, en Ontario (hormis la région de la capitale nationale), les plaintes étaient dues aux communications directes et au service aux voyageurs. En ce qui concerne les plaintes émanant du Québec, notre stupéfaction n'a eu d'égale que celle de l'an dernier, alors que nous avions reçu 88 plaintes relatives au manque de services en français; elles se sont chiffrées à 95 en 1990. Rappelons que près de 95 p. 100 des employés fédéraux de cette province sont francophones. Ces plaintes portent en majorité sur les communications téléphoniques ou en personne, unilingues anglaises, et sur la préséance accordée à l'anglais.

Une évaluation par bureau

La *Charte canadienne des droits et libertés* et la *Loi sur les langues officielles* établissent le droit du public de recevoir des services et de communiquer dans la langue officielle de son choix auprès de tout siège social ou bureau principal d'un ministère ou d'un organisme fédéral, de même qu'auprès de tout bureau de ceux-ci dans les régions où la demande est importante. Afin de déterminer dans quelle mesure cette disposition a été respectée, nous avons entrepris en 1990 une étude visant à évaluer l'offre active et la prestation de services dans les deux langues, ainsi qu'à déterminer si les bureaux des régions, même ceux désignés bilingues par les institutions elles-mêmes, offrent un bon ou mauvais service dans les deux langues.

L'étude a porté principalement sur les régions bilingues comprises dans les régions à demande importante, telles que les a définies le gouvernement en 1982, et dans les régions unilingues où les institutions fédérales comptent déjà des bureaux qui offrent des services bilingues. Cinq critères ont été retenus pour évaluer la disponibilité et la qualité des services : le nombre de postes bilingues dévolus au service au public, le pourcentage des postes bilingues occupés par des titulaires linguistiquement compétents, le nombre moyen d'employés bilingues dans chaque bureau, ainsi que le traitement des plaintes et les résultats de nos vérifications.

Les résultats indiquent clairement que les bureaux fédéraux situés au Québec et dans la région de la capitale nationale (RCN) possèdent les moyens d'offrir des services dans les deux langues. Par contre, plus on s'éloigne de ces régions, plus s'affaiblissent la qualité et la prestation de services bilingues. Ainsi, le Nouveau-Brunswick, Toronto, le nord de l'Ontario et Winnipeg satisfont aux exigences en matière de bilinguisme, mais le service au public peut être sporadique. Dans les bureaux encore plus éloignés (dans l'Ouest et dans la plus grande partie de la région de l'Atlantique), le petit nombre d'employés bilingues fait nettement obstacle à la prestation de services adéquats dans les deux langues.

Malgré certaines anomalies touchant les consignes de sécurité à l'aéroport international d'Ottawa et les services dans quelques comptoirs postaux privés, l'offre bilingue demeure satisfaisante dans la RCN. On pouvait s'y attendre compte tenu du fait que 75 p. 100 des postes de service au public sont bilingues, dont 83,3 p. 100 sont comblés par des employés qualifiés. Toutefois, les 268 plaintes déposées en 1990, si elles accusent une diminution de 25 p. 100 par rapport à 1989, montrent qu'il y a encore des lacunes.

Le Québec détient la palme du service à la minorité linguistique, bien que la qualité de la langue pourrait parfois y être meilleure. Selon notre analyse, le nombre de postes de service au public bilingues pourrait même être trop élevé, surtout dans les bureaux des régions qui comptent de petites communautés de langue officielle minoritaire (80 p. 100 des postes sont bilingues dans les régions à fortes communautés de langue minoritaire, et 50 p. 100 dans les régions où elles sont petites). C'est aussi le Québec qui compte la plus forte proportion d'employés linguistiquement compétents (91 p. 100). À Montréal, on trouve en moyenne 40 employés bilingues par bureau, ce qui donne amplement le moyen de répondre à la demande. Les bureaux des autres régions du Québec à fortes communautés de langue minoritaire comptent en moyenne huit employés bilingues. Un tel nombre constitue une excellente base à une prestation adéquate de services dans les deux langues dans les régions où se concentre la population de langue minoritaire, soit neuf circonscriptions de l'est et trois de l'ouest. Le petit nombre de plaintes déposées par les Québécois anglophones — 112 pour une population de 749 450 personnes — tend à confirmer les conclusions de notre enquête. La plupart de ces plaintes portaient d'ailleurs sur des problèmes pouvant être facilement réglés. Nos vérifications ont aussi confirmé la bonne tenue d'ensemble des services bilingues à Montréal et dans d'autres régions du Québec à fortes communautés de langue minoritaire. Même dans les bureaux des régions où habitent de petites concentrations de la minorité linguistique, on dénombre une moyenne de 19 employés bilingues. Les dossiers des bureaux fédéraux que nous avons visités au Québec sont les meilleurs de tout le pays. Dix-sept des 23 bureaux visités, dont 12 dans la région de Montréal, sont en mesure d'offrir en tout temps des services bilingues.

Le Nouveau-Brunswick compte 52 p. 100 de postes de service au public bilingues, et une moyenne de 11 employés par bureau qui ont la compétence linguistique nécessaire, soit un effectif bilingue à première vue suffisant. Néanmoins, certains bureaux doivent améliorer leur rendement si l'on en juge par le nombre de plaintes portées en 1990 là où la demande est importante (140, dont 66 à Moncton); l'importante minorité linguistique (234 720 personnes, soit 33,4 p. 100 de la population); et la forte proportion d'employés qui ne satisfont pas aux exigences de leurs postes (11,9 p. 100). Parmi les 17 bureaux fédéraux qui ont fait l'objet d'une enquête, dont des sociétés d'État, seulement sept, soit 41,2 p. 100, pouvaient répondre à la clientèle dans les deux langues.

En Nouvelle-Écosse, où 15 p. 100 des postes de service au public sont désignés bilingues, on trouve le plus fort pourcentage (23,9 p. 100) d'unilingues titulaires de tels postes; en moyenne, seulement cinq employés ont la compétence linguistique voulue. En regard de la population à desservir, soit 32 955 personnes (3,8 p. 100), les 290 plaintes portées en 1990 indiquent clairement que la situation laisse à désirer. À l'Île-du-Prince-Édouard (à l'exception du ministère des Anciens combattants) et à Terre-Neuve, respectivement 16 et 2 p. 100 des postes de service au public sont bilingues, tandis qu'environ 15 p. 100 d'entre eux sont occupés par des employés insuffisamment qualifiés. À l'évidence, la minorité linguistique ne reçoit pas de services adéquats puisque seulement un à trois employés par bureau répondent aux exigences de leurs postes. Parmi les 14 bureaux de la Nouvelle-Écosse, de l'Île-du-Prince-Édouard et de Terre-Neuve qui ont fait l'objet d'une enquête, seuls ceux des parcs et des lieux historiques offraient des services bilingues satisfaisants. Nos vérifications et nos études de 1990 ont aussi démontré que des progrès doivent être accomplis dans les quatre provinces, même si la situation est meilleure au Nouveau-Brunswick.

En Ontario, de nombreux bureaux se conforment aux exigences de la Loi, mais certaines améliorations sont indispensables. Dans les régions qui comptent d'importantes minorités linguistiques, 37 p. 100 des postes de service au public sont bilingues, auxquels il manque des titulaires compétents dans 12,6 p. 100 des cas. Les bureaux de Toronto et des régions où habitent de petites collectivités minoritaires comprennent 8 p. 100 de postes bilingues, comblés respectivement par 21,5 et 16,5 p. 100 d'employés dont la compétence linguistique est inadéquate. Dans les régions bilingues, y compris Toronto, les bureaux où la demande est importante comptent en moyenne huit employés bilingues, mais l'étendue de la population à desservir (244 825 personnes, soit 8,7 p. 100) et le grand nombre de plaintes (362, dont 150 de Toronto) indiquent la nécessité d'augmenter le nombre d'employés bilingues et d'améliorer la qualité du service dans les deux langues officielles. Selon nos vérifications et nos études, des services bilingues sont généralement disponibles dans les régions à fortes communautés de langue officielle minoritaire, mais là également la situation doit être améliorée. Parmi les 12 bureaux visités ou évalués dans l'est et dans le nord

de l'Ontario, seulement quatre étaient en mesure de servir convenablement la clientèle dans les deux langues. La situation est analogue à Toronto où seuls trois des bureaux (30 p. 100) pouvaient faire de même.

Dans l'Ouest, le taux de postes de service au public désignés bilingues est assez faible (6,8 p. 100). En outre, de 13,3 à 18,7 p. 100 d'entre eux sont occupés par des employés unilingues. À Winnipeg, qui compte des bureaux où la demande est importante, 15 p. 100 des postes de service au public sont bilingues, et l'on dénombre une moyenne de cinq employés bilingues par bureau. Au vu des 169 plaintes déposées en 1990 contre cette ville, dont plusieurs sont les mêmes d'année en année, la moyenne d'employés paraît insuffisante. Dans les autres régions de l'Ouest, le nombre de ces employés par bureau est de deux à quatre, pour un taux de postes bilingues variant de 4 à 8 p. 100. En 1990, le Commissariat a reçu quelque 400 plaintes émanant de ces régions. L'enquête réalisée dans neuf bureaux de Winnipeg où la demande est importante a révélé que seuls trois d'entre eux pouvaient offrir en tout temps des services dans les deux langues. Dans les trois autres provinces de l'Ouest, les bureaux du Service canadien des parcs nationaux, à quelques exceptions près, étaient en mesure d'offrir des services bilingues. Nos vérifications et nos études ont démontré que le bilinguisme des services dans plusieurs bureaux de l'Ouest, surtout à l'extérieur de la région de Winnipeg, laisse beaucoup à désirer.

L'offre active de services aux voyageurs

Nous avons effectué en 1990 une étude de l'offre active qui visait à déterminer dans quelle mesure les institutions fédérales respectent les dispositions des articles 23 et 28 de la Loi touchant les services aux voyageurs. Notre attention s'est portée sur les organismes de réglementation, les entreprises de transport public et les lieux touristiques (comme les parcs nationaux). Si le cadre de l'étude nous empêche de faire des comparaisons globales entre les régions, les services bilingues, dans une proportion de 94 p. 100, étaient beaucoup plus accessibles au Québec que partout ailleurs. Il y a deux fois plus de chance (soit dans 33 p. 100 des cas) que les employés fédéraux s'adressent dans les deux langues à la clientèle.

L'ensemble des résultats indique que toutes les régions du pays accusent un taux très bas (12,6 p. 100) d'accueil bilingue en personne; l'indice d'accueil téléphonique bilingue est en revanche de 69 p. 100. On pourrait encore faire mieux : même si le service est disponible, on ne l'offre pas dans tous les cas. Face à l'insistance de la clientèle, le service a été offert dans 65 p. 100 des cas pour l'accueil en personne et dans 87 p. 100 des cas au téléphone. Les entreprises qui ont obtenu des contrats auprès de divers institutions fédérales n'ont offert de services bilingues que dans 45 p. 100 des cas. Il s'agit là d'un problème majeur qui témoigne de l'insuffisance des clauses relatives à la langue : elles ne sont ni vraiment mises en application, ni contrôlées.

Certains organismes connaissent de meilleurs résultats que d'autres, le Service canadien des parcs notamment qui, après une enquête menée dans l'est et dans l'ouest du pays, s'est révélé en mesure d'offrir des services bilingues dans 80 p. 100 des cas. Pour ce qui est de l'accueil bilingue des voyageurs, les employés de Via Rail du Nouveau-Brunswick et du centre du pays ont affiché le meilleur rendement avec un taux de 35 p. 100.

En général, le service dans la langue minoritaire est médiocre dans les aéroports, sauf à Montréal, aux aéroports de Mirabel et de Dorval. Dans la plupart des cas, les problèmes sont le fait de tiers, détenteurs de contrats auprès de Transports Canada. Lors de la majorité de nos visites à l'aéroport international d'Ottawa, les services essentiels à la sécurité des voyageurs n'étaient pas disponibles en français et n'ont jamais fait l'objet d'une offre active, qu'il s'agisse des consignes de sécurité à l'aérogare, des secours d'urgence ou des vérifications de sécurité à l'embarquement. Parmi les transporteurs publics, Air Canada a affiché le meilleur niveau (75 p. 100) de services bilingues, bien qu'aucun des employés n'ait offert d'accueil bilingue à nos représentants.

Conclusion

Plusieurs indices ont témoigné en 1990 d'une amélioration des services bilingues à la clientèle, tandis que certaines institutions ont pris bon nombre d'initiatives intéressantes. Le dépôt de l'avant-projet de règlement a par ailleurs constitué l'événement majeur de l'année. Néanmoins, comme le démontre le nombre de plaintes déposées au Commissariat — plus de 2 000 — il reste encore beaucoup à faire. Lorsqu'elles auront été dûment approuvées et mises en œuvre, les dispositions de la réglementation devraient influer très positivement sur la qualité et la disponibilité des services dans les deux langues officielles, pour peu, cependant, que la population et les employés en soient avisés. L'application de ces règlements devrait garantir aux minorités francophone et anglophone une équité de traitement dans toutes les régions du pays, quel que soit l'organisme auquel elles s'adressent. Maintenant que le projet touchant la langue de service au public a pris son envol, il reste à souhaiter qu'il atteigne sa vitesse de croisière en 1991.

3. Participation équitable : oui, mais...

Malgré l'énergie que déploie le gouvernement à préparer la fonction publique en vue du XXIe siècle — grâce au programme Fonction publique 2000 qui vise notamment à poursuivre l'application rigoureuse de l'équité au chapitre de l'emploi —, les institutions fédérales semblent pour la plupart être tombées en léthargie en ce qui touche la participation des deux groupes de langue officielle. Dans l'ensemble, le gouvernement fédéral a réussi ces dernières années à créer un équilibre global au sein de ses institutions. Cependant, il y a longtemps qu'auraient dû être corrigés les déséquilibres que nous déplorons avec la même régularité d'un rapport annuel à l'autre. Il incombe aux organismes centraux de fournir sans plus tarder aux ministères et aux organismes les orientations dont ils ont un urgent besoin pour réaliser les objectifs de la Partie VI de la *Loi sur les langues officielles*. Ces objectifs ont pour but d'en arriver à un effectif fédéral qui tend à mieux refléter les deux communautés linguistiques, et à assurer l'égalité des chances d'emploi et d'avancement pour les francophones et les anglophones, tout en respectant le principe du mérite.

En 1990, un équilibre global a été maintenu, qu'il faudra cependant surveiller de près : comme l'indique le tableau II.1, les employés désignés comme anglophones représentent 70,9 p. 100 de l'effectif fédéral contre 26,7 p. 100 pour les francophones et 2,3 p. 100 pour les employés ni francophones ni anglophones, mais travaillant dans des régions à prédominance anglophone.

Les taux ci-dessus correspondent presque à la répartition des deux groupes linguistiques dans l'ensemble de la population canadienne (composée de 25,8 p. 100 de francophones et de 74,2 p. 100 d'anglophones[1]). Les légères variations par rapport à la population demeurent acceptables, compte tenu du fait que la région de la capitale nationale (RCN) accueille la majorité des administrations centrales de nombreuses institutions. Regroupant environ deux tiers d'anglophones et un

[1] Recensement — Canada 1986, Statistique Canada (estimation de la population selon la première langue officielle parlée — langue maternelle). Note : toutes les autres données de ce chapitre sur la population canadienne ont la même source.

Tableau II.1
Répartition entre les institutions fédérales

	Francophones	%	Anglophones	%	Langue non précisée	%	Total
Ministères[1]	60 098	28,3	152 233	71,7			212 331
Sociétés d'État[2]	35 948	24,4	100 407	68,2	10 848	7,4	147 203
Parlement[3]	1 510	63,2	878	36,8			2 388
Forces canadiennes[4]	23 228	27,2	62 163	72,8			85 391
GRC[5]	2 798	18,2	12 534	81,7	2	,01	15 334
Total	**123 582**	**26,7**	**328 215**	**70,9**	**10 850**	**2,3**	**462 647**

1 Système d'information sur les langues officielles (SILO), septembre 1990.
2 Rapports annuels sur les langues officielles, Conseil du Trésor, décembre 1989. Les employés n'ayant pas été désignés comme francophones ou anglophones habitent principalement dans des régions anglophones. Les chiffres excluent les employés d'Air Canada.
3 Données en provenance des institutions, novembre 1990. *N.B.* Comprend le personnel du Sénat, de la Chambre des communes et de la Bibliothèque du Parlement.
4 Données en provenance de l'institution, novembre 1990. *N.B.* Personnel militaire seulement (les fonctionnaires sont comptés dans l'effectif des ministères).
5 Données en provenance de l'institution, novembre 1990. *N.B.* Gendarmes seulement (les fonctionnaires sont comptés dans l'effectif des ministères).

tiers de francophones, cette région constitue en effet l'une des sources importantes de recrutement. Soulignons également que le nombre exceptionnellement élevé de francophones qui occupent des postes de soutien dans la même région contribue à leur fort taux de participation dans l'ensemble des institutions fédérales.

Toutefois, cet équilibre d'ensemble peut masquer les divers déséquilibres hiérarchiques et régionaux observés depuis longtemps, dont aucun ne doit être perçu comme compensatoire. Ainsi, le grand nombre de francophones dans les deux catégories de soutien « n'annule » pas leur faible présence dans la catégorie Gestion (principal levier du pouvoir décisionnel de la fonction publique) et dans quatre des six catégories d'emploi. Le revers de la médaille, soit la prédominance des anglophones parmi les gestionnaires et les agents par opposition à leur faible participation dans la catégorie Soutien administratif, a également figuré à maintes reprises dans nos évaluations annuelles de chaque institution. Malheureusement, nous n'avons vu aucune preuve à ce jour que le gouvernement va élaborer une stratégie efficace pour corriger ces déséquilibres sectoriels.

L'absence de progrès notables à cet égard est particulièrement décevante lorsqu'on la compare à la réussite éclatante du Nouveau-Brunswick, où la participation des fonctionnaires francophones s'élève à 30,9 p. 100 en 1990, à quelques points seulement des 33,4 p. 100 de francophones que compte la population. Ce chiffre, qui représente une hausse de 8,6 p. 100 de leur participation en huit ans, témoigne des progrès possibles lorsqu'on y consacre les efforts nécessaires.

La suite du présent chapitre traite de différents déséquilibres observés dans certaines régions et catégories d'emploi ainsi que dans les organismes centraux.

Déséquilibres sectoriels

Les chiffres du tableau II.2 illustrent la répartition des deux groupes linguistiques dans plusieurs régions qui font problème. On ne s'étonnera pas que la participation des francophones soit toujours aussi faible dans le nord et dans l'est de l'Ontario, comme nous le constatons depuis plusieurs années. Quant à la participation des anglophones dans les postes de soutien de la fonction publique fédérale, elle est, tant au Québec que dans la RCN, encore plus faible, et pour tout dire, franchement gênante.

Tableau II.2

Région	Effectif des ministères Francophones	%	Anglophones	%	Population minoritaire (%)
Québec*	27 965	94,4	1 647	5,6	13,3 anglophone
Nord et est de l'Ontario*	745	22,6	2 558	77,4	29,3 francophone
RCN	26 070	37,9	42 761	62,1	35,7 francophone

* Données excluant la région de la capitale nationale.
Source : Système d'information sur les langues officielles, septembre 1990. Données excluant les employés des sociétés d'État.

En ce qui concerne la participation à certaines catégories d'emploi précises, le tableau II.3 ci-dessous montre clairement que les francophones sont sous-représentés dans les catégories Gestion et Scientifique et professionnelle des ministères fédéraux (22,1 et 22,8 p. 100 respectivement). Par ailleurs, trop peu d'anglophones occupent des postes de soutien administratif (65,9 p. 100).

Tableau II.3

Catégorie d'emploi	Effectif des ministères Francophones	%	Anglophones	%
Gestion	912	22,1	3 207	77,9
Scientifique et professionnelle	5 222	22,8	17 668	77,2
Soutient administratif	21 572	34,1	41 773	65,9

Source : Système d'information sur les langues officielles, septembre 1990. Données excluant les employés des sociétés d'État.

Les francophones dans la catégorie Gestion

Les institutions fédérales semblent insensibles au problème de la participation à la gestion. Les deux groupes linguistiques au sein de cette catégorie ne sont pas équitablement représentés, et très peu de progrès ont été réalisés au cours des années 1980 dans ce domaine. Depuis dix ans, la participation francophone n'a augmenté que de 1,5 p. 100 pour s'établir à 22,1 p. 100 en 1990. Dans la fonction publique, la catégorie Gestion est un groupe clé. Ce sont ses membres qui prennent les décisions, élaborent les politiques et dirigent le travail. En raison de la pénurie de francophones à la direction, leur culture, reflétée par leur mode de pensée et leurs méthodes de travail, ne se traduit pas adéquatement dans les politiques de l'administration fédérale. De plus, le français ne jouit pas d'un statut égal à l'anglais au sein des institutions fédérales, sauf au Québec.

Un examen de la relève de la catégorie Gestion ne permet pas d'entrevoir, à court terme, des améliorations significatives quant à la participation francophone. En effet, dans le groupe de relève du premier niveau (SM-1), les francophones ne forment que 21,4 p. 100 de l'effectif alors qu'au deuxième niveau de relève (SM-2), ils sont de l'ordre de 26,1 p. 100. Il conviendrait d'embaucher davantage de personnel de l'extérieur de la fonction publique pour améliorer sensiblement les choses dans les années à venir.

Les anglophones dans la région de la capitale nationale

Une étude commandée par le Commissariat en 1990 a montré sous un nouvel éclairage un problème persistant dans la région de la capitale nationale : la sous-représentation inacceptable des anglophones dans les catégories Soutien administratif et Exploitation. Nous regrettons de le dire, mais les conclusions de l'étude indiquent que les ministères et les organismes centraux ont jusqu'ici négligé de prendre les mesures nécessaires pour remédier à la situation.

Les données les plus récentes révèlent que les anglophones n'y occupent que 52,3 p. 100 des postes de soutien administratif et 52,4 p. 100 des postes d'exploitation. Ces taux ne varient que légèrement par rapport à ceux des années antérieures et sont encore loin de traduire la proportion des anglophones dans la RCN, qui atteint 64,3 p. 100.

Certaines observations de l'étude confirment l'existence de ce que nous avions déjà perçu comme des obstacles systémiques au recrutement des anglophones, et mettent en lumière d'autres facteurs qui contribuent à maintenir le *statu quo*. Selon le rapport, les principaux problèmes auxquels il faut s'attaquer sont les suivants :

- le faible rôle des organismes centraux dans la coordination des données statistiques, des objectifs de participation et de la planification;

- certains obstacles comme l'obligation d'utiliser la dotation impérative pour des postes déterminés (à période fixe et généralement à court terme) et le

recours à la présentation de candidats nommément désignés pour l'embauche dans la catégorie Exploitation et;

- la faible connaissance des fonctionnaires et des agents de dotation de la fonction publique quant aux objectifs de participation et à leur propre rôle, lequel consiste notamment à améliorer la situation grâce aux pratiques d'embauchage.

De toute évidence, il y a lieu de consacrer de nouveaux efforts à la suppression des obstacles que comporte l'infrastructure de dotation et de prendre des moyens plus énergiques pour informer les anglophones qualifiés des possibilités d'emploi. Le progrès dans ce domaine repose également sur une augmentation du nombre de candidats anglophones qui possèdent une bonne connaissance des deux langues officielles. Comment ne pas être déçu devant la molle réaction des organismes centraux; ils ne semblent guère disposés à prendre l'initiative en vue de régler les problèmes cernés dans le rapport. Le taux de roulement relativement élevé parmi le personnel de soutien (le rapport mentionne un taux de départ de 12 p. 100 dans la catégorie Soutien administratif en 1988) pourrait favoriser une amélioration.

Les anglophones au Québec

D'année en année, nous analysons dans le présent chapitre l'insuffisance chronique de la participation des anglophones dans les ministères fédéraux au Québec. Malheureusement, cet examen minutieux a révélé au fil des ans que même avec la meilleure volonté du monde, les principaux responsables n'ont pas encore réussi à infléchir la situation. Au risque de nous répéter, nous sommes une fois de plus forcés de constater l'absence de tout progrès : les anglophones ne forment toujours que 5,6 p. 100 de l'effectif fédéral au Québec (le même taux depuis cinq ans), soit nettement moins que les 13,3 p. 100 qu'ils représentent dans l'ensemble de la population de cette province. À 8 p. 100, leur participation aux postes de gestionnaires et d'agents est quelque peu mieux.

Très complexe, cette question est examinée attentivement depuis une décennie par les divers organismes centraux de l'administration fédérale. Au début des années 1980, le Commissariat s'était alarmé de la chute brutale du taux de participation des anglophones. L'inquiétude était telle qu'en janvier 1987, nous avons soumis un rapport spécial au gouverneur en conseil dans lequel on indiquait que les mesures adoptées au début de la décennie n'avaient pas réussi à renverser la tendance, et qu'il fallait par conséquent se montrer plus énergique.

En conséquence, un certain nombre d'initiatives ont été entreprises, dont la création d'un comité *ad hoc* destiné à examiner quelles mesures correctives conviendraient le mieux à chacun des ministères en cause. Après avoir présenté ses recommandations au Conseil du Trésor, le comité a été dissous et un nouveau

forum régional a été mis sur pied pour appliquer les recommandations. Entretemps, le comité « Concertaction », formé quelques années plus tôt afin d'accroître la présence des anglophones dans les Cantons de l'Est, devient plus actif et conçoit divers plans d'action de concert avec les ministères établis dans cette région.

En 1990, le Commissariat a procédé à une vérification des activités de la Commission de l'Emploi et de l'Immigration de la région du Québec, l'institution responsable du recrutement pour les postes de soutien dans les ministères. Cet examen a révélé que la Commission, en plus d'éprouver des difficultés à augmenter le nombre de ses employés anglophones au Québec (qui ne représentent que 3 p. 100 de l'effectif), avait très peu fait pour surmonter les obstacles qui empêchent les anglophones d'accéder à des postes dans les autres ministères qu'elle dessert. De toute évidence, on ne pourra guère envisager de progrès notables tant qu'aucun effort ne sera entrepris pour éliminer ces barrières.

Sur tous les fronts, nous déplorons l'inadéquation manifeste des dispositions retenues pour remédier au problème.

Participation au sein des organismes centraux

Les organismes centraux sont perçus comme des chefs de file par la fonction publique et ont un effet d'entraînement sur l'usage des deux langues officielles dans les institutions fédérales. Ils doivent donc assurer une participation équitable des deux communautés linguistiques afin de servir d'exemple aux autres institutions fédérales. Or, depuis plusieurs années, ils accusent un déséquilibre quant à la participation tant des francophones que des anglophones, particulièrement dans la catégorie Gestion. Le tableau II.4 fait état des taux de participation dans quatre organismes centraux.

Des taux de participation s'établissant à deux tiers d'anglophones et à un tiers de francophones dans les organismes centraux situés dans la RCN nous apparaissent acceptables compte tenu du mandat de ces derniers, de leur public et de l'emplacement de leurs bureaux. Ainsi, la participation globale au Bureau du Contrôleur général serait équilibrée avec 69,3 p. 100 d'anglophones et 30,7 p. 100 de francophones. Au Secrétariat du Conseil du Trésor, le taux global de participation semble équilibré avec 63,1 p. 100 d'anglophones et 36,9 p. 100 de francophones, mais en analysant la situation de plus près, on remarque que les francophones (47 sur 61) sont concentrés à la Direction des langues officielles. Le même scénario se répète au ministère des Finances où la forte proportion de francophones (34,7 p. 100) est attribuable à leur très grand nombre (160 sur 309) au sein de la Direction de l'administration. À la Commission de la fonction publique, même si l'on exclut le personnel du Programme de la formation linguistique, surtout composé de professeurs de langue française, la participation anglophone (46,7 p. 100) est trop faible.

Tableau II.4

Catégorie d'emploi		Secrétariat du Conseil du Trésor		Commission de la fonction publique		Ministère des finances		Bureau du Contrôleur général	
		F	A	F	A	F	A	F	A
Gestion	#	28	125	26	36	9	72	9	41
	%	18,3	81,7	41,9	58,1	11,1	88,9	18	82
Soutien administratif	#	79	39	408	204	146	120	12	7
	%	66,9	33,1	66,7	33,3	54,9	45,1	63,2	36,8
Effectif	#	**233**	**398**	**1 242**	**776**	**300**	**564**	**43**	**97**
Total	%	**36,9**	**63,1**	**61,5**	**38,5**	**34,7**	**65,3**	**30,7**	**69,3**

Source : Système d'information sur les langues officielles, septembre 1990, à l'exception des données sur la gestion du ministère des Finances qui proviennent de leur Système automatisé d'information sur le personnel.

Des déséquilibres existent dans certaines catégories d'emploi, mais la catégorie Soutien administratif se distingue par des inégalités marquées. Par exemple, au Secrétariat du Conseil du Trésor et à la Commission de la fonction publique, les anglophones ne forment qu'un tiers de cette catégorie alors qu'au Bureau du Contrôleur général, ils représentent 36,8 p. 100 du personnel et 45,1 p. 100 au ministère des Finances, ce qui est anormalement faible. Dans plusieurs organismes, les francophones sont sous-représentés dans la catégorie Gestion, notamment au ministère des Finances, où ils ne représentent que 11,1 p. 100 de l'effectif de cette catégorie, alors qu'au Secrétariat du Conseil du Trésor et au Bureau du Contrôleur général, ils ne sont que 18 p. 100, ce qui est nettement insuffisant.

Nous avons abordé la question des déséquilibres de participation dans les organismes centraux avec la Commission de la fonction publique et le Secrétariat du Conseil du Trésor, et nous leur avons suggéré d'entreprendre des consultations suivies pour tenter de remédier au problème. Le Commissariat serait, lui aussi, prêt à participer à un tel projet car nous connaissons également des problèmes de participation semblables à ceux que doivent affronter les organismes centraux. À ce titre, l'annexe A fait état des progrès encore modestes que nous avons accomplis. Nous ne sommes donc pas enclins à minimiser les difficultés !

Conclusion : ce qui doit être fait

La composition de l'effectif des institutions fédérales tend-elle à refléter la répartition des deux collectivités de langue officielle au Canada ? De façon générale, oui. Cependant, en y regardant de plus près, on constate que d'une année à l'autre le même déséquilibre sectoriel subsiste. Personne ne s'attend bien sûr à

ce qu'un miracle se produise du jour au lendemain, surtout en cette période de restrictions dans l'embauche. Mais depuis longtemps déjà, les organismes centraux devraient s'affirmer comme chefs de file, aussi bien pour rétablir la situation dans leur propre ministère que pour fournir aux autres institutions fédérales l'orientation dont elles ont besoin.

Dans le même esprit, le gouverneur en conseil ayant enfin déposé un avant-projet de règlement touchant les communications et les services, conformément aux dispositions de la *Loi sur les langues officielles*, nous exhortons le gouvernement à clarifier ses attentes en vue d'atteindre une participation équitable, tout en assurant le plein respect du principe du mérite et ce, dans toutes ses institutions, en promulguant des règlements conformes à la Partie VI de la Loi. De plus, il est indéniable que le gouvernement doit s'attaquer avec plus d'énergie aux problèmes que nous soulignons d'année en année, en vue de corriger les déséquilibres observés dans certaines institutions en particulier. Pour ce faire, il faudra mettre en œuvre des mesures qui vont bien au-delà des lettres d'entente actuelles entre le Conseil du Trésor et les institutions, ou de l'action des nombreux comités formés pour simplement examiner les divers aspects du problème.

D'aucuns avanceront qu'il serait plus simple de poursuivre l'objectif de la participation équitable en période d'expansion. Nous sommes toutefois convaincus que le taux de roulement des employés dans les institutions fédérales demeure suffisamment élevé pour permettre une progression lente, certes, mais constante. La situation exige d'établir sur une grande échelle des stratégies par secteur, destinées à supprimer les causes des déséquilibres. Nous considérons qu'il s'agit là d'une condition indispensable si l'on souhaite relever le défi de la participation équitable d'ici la fin de la décennie.

4. Langues de travail : on n'y travaille guère

En 1990, la langue de travail au sein des institutions fédérales présente globalement le même panorama figé que celui des dernières années : le français n'a pas l'égalité de statut qui lui revient dans les administrations centrales à Ottawa-Hull, et la situation laisse encore plus à désirer dans les organismes à vocation scientifique. De nouveau, cette année, un surveillant sur quatre dans les régions bilingues ne possède pas un degré suffisant de bilinguisme; les communications entre les administrations centrales et les bureaux situés au Québec présentent de nombreuses déficiences (qui plus est, le français employé est souvent médiocre); enfin, malgré les efforts du Secrétariat du Conseil du Trésor, il est loin d'être acquis que bon nombre d'institutions réussiront à atteindre l'objectif du 1er janvier 1991, fixé par la Loi pour l'acquisition ou la production de systèmes informatiques d'usage courant et généralisé pouvant être utilisés dans l'une ou l'autre langue officielle. Quant à l'anglais, il semble de moins en moins utilisé dans les ministères fédéraux au Québec.

En revanche, il faut souligner quelques initiatives prises par le Secrétariat du Conseil du Trésor pour une utilisation plus équilibrée des deux langues officielles lors de ses réunions. Par ailleurs, nos enquêtes démontrent que, dans l'ensemble, les employés de l'État travaillant dans les régions désignées bilingues connaissent mal leurs droits linguistiques et qu'il leur est, par conséquent, difficile de les exercer. Ce bilan, dressé plus de deux ans après la promulgation de la nouvelle Loi, est affligeant et l'on a peine à comprendre que le gouvernement attache si peu de prix au respect de la Loi qu'il ne juge même pas utile ou urgent de clarifier les droits des uns et les obligations des autres, en présentant un projet de règlements du reste prévu par la Loi.

Dans ce chapitre, nous décrivons brièvement les suites qui furent données à nos recommandations des années passées, surtout celles du plan directeur présenté dans le *Rapport annuel 1988*, présentons les conclusions d'une enquête terminée cette année au Québec, donnons un aperçu de l'usage du français dans les domaines scientifique et technique et, enfin, signalons les lacunes de la surveillance des employés dans les deux langues officielles.

Suivi de nos recommandations de 1988

Nos dernières recommandations relatives à la langue de travail remontent à 1988, alors que nous proposions au gouvernement l'établissement d'un plan directeur susceptible d'assurer la mise en œuvre de la nouvelle Loi. Pourtant, dans le *Rapport annuel 1989*, il nous a fallu conclure à la stagnation de l'objectif de la langue de travail au sein des institutions fédérales, d'une part, en raison de l'imprécision des politiques existantes et, d'autre part, parce que les cadres supérieurs n'accordent pas la priorité à sa réalisation. Nous y indiquions en outre que les règles du jeu devaient être précisées par une réglementation émanant du gouverneur en conseil. Malheureusement, force nous est de constater que nous avons prêché dans le désert cette année encore : non seulement aucun règlement n'a été élaboré, mais les politiques et les directives n'ont pas été révisées et rien ne laisse prévoir que des mesures seront prises dans un proche avenir. Une autre recommandation visant le Secrétariat du Conseil du Trésor touchait la sous-utilisation du français dans le domaine scientifique. Sur ce point également, le comité, mis sur pied à notre demande par le Conseil du Trésor il y a plus de trois ans, n'a pas poursuivi, en 1990, ses travaux en vue de favoriser une plus grande utilisation du français comme langue scientifique au sein de l'appareil fédéral, et il n'a donc pas encore produit son rapport. Nous réclamons ce rapport une fois de plus avec instance.

Toutefois, aucun tableau ne saurait être totalement obscur; la recommandation concernant les cours bilingues offerts aux membres de la catégorie Gestion par le Centre canadien de gestion a continué d'avoir quelques effets. Il y a progrès en cette matière : les sous-ministres adjoints ont pu suivre des cours bilingues et près de 30 p. 100 des cours offerts aux autres groupes de la gestion l'ont été soit en français, soit sous forme bilingue, ce qui représente une augmentation de 5 p. 100 par rapport à 1989.

La dernière recommandation n'est pas restée sans écho cette année. En effet, le Conseil du Trésor a préparé une brochure et une bande vidéo qui ont été remises aux présidents de réunions afin de les inciter à utiliser également les deux langues officielles lors des séances de travail. En outre, à la fin de l'année, le Conseil a publié une brochure s'adressant cette fois aux participants de réunions dans les régions bilingues, pour leur expliquer comment respecter les droits linguistiques de chacun. Cependant, le plus important reste à faire : diffuser cette information à tous les gestionnaires et les employés des régions bilingues, et assurer le contrôle et le suivi nécessaires.

Enquête sur la langue de travail au Québec

En novembre 1990, le Commissariat aux langues officielles effectuait une enquête sur la langue de travail au Québec. Cette étude qualitative visait trois objectifs : déterminer les facteurs exerçant le plus d'influence sur l'utilisation des deux langues officielles en milieu de travail dans les bureaux désignés au Québec; examiner les communications entre les employés de cette région et les administrations centrales; et, enfin donner un aperçu de l'évolution de la langue de travail dans les ministères fédéraux au Québec depuis l'adoption de la *Loi sur les langues officielles* de 1969.

Les données pour cette étude ont été recueillies lors d'entrevues menées auprès de 330 représentants de divers niveaux hiérarchiques des deux groupes linguistiques (22 groupes comprenant au total 250 francophones et 8 regroupant 80 anglophones) travaillant dans les onze ministères fédéraux les plus représentés au Québec, notamment dans la région de Montréal, mais aussi dans celle de Québec et à Lacolle. Les conclusions ont été entérinées par les directeurs régionaux dont les unités ont participé à l'étude. Parmi les sujets traités, mentionnons les communications écrites et orales, les instruments de travail, les logiciels, le courrier électronique, les services de traduction, la formation professionnelle et linguistique ainsi que la surveillance et les relations de travail. Nous avons également abordé la question des droits et des obligations des employés et des gestionnaires en matière de langue de travail.

Selon le large consensus qui s'est dégagé des témoignages reçus, l'anglais prédominait en 1970 comme langue officielle écrite au sein des ministères, à un point tel que les francophones, même au Québec, devaient souvent communiquer entre eux en anglais. Sur le plan des communications orales entre les employés de cette région, les deux langues officielles étaient utilisées dans le travail quotidien, mais le français devait souvent céder le pas à l'anglais dans les domaines technique et scientifique. À cette époque, de nombreux instruments de travail n'étaient pas disponibles en français et la presque totalité des communications écrites et orales avec les administrations centrales à Ottawa ne se faisaient souvent qu'en anglais.

D'une façon unanime, les participants ont fait état d'énormes progrès dans l'usage du français depuis 1970 et ont affirmé que le gouvernement fédéral a grandement contribué, comme il le devait, à l'effort de francisation du milieu de travail, en particulier au Québec. Cette progression aurait été plus manifeste de 1970 à 1985, période pendant laquelle le français a pris de plus en plus la place qui lui revient comme langue de travail au Québec, alors que l'anglais y est beaucoup moins utilisé et n'occupe plus aujourd'hui la place que lui confère son statut constitutionnel et législatif. Cet état de fait est principalement attribuable à la faible présence des employés d'expression anglaise (5,6 p. 100) au sein des ministères fédéraux au Québec. La fin des années 1980 a donc été marquée par un ralentissement de la progression vers l'égalité des deux langues officielles puisque les francophones éprouvent toujours des difficultés à communiquer dans leur langue avec les administrations centrales de la région de la capitale nationale (RCN) et que les anglophones ont peu d'occasion d'utiliser l'anglais au travail dans les bureaux fédéraux du Québec. Les compressions budgétaires, la formation linguistique moins accessible, la piètre qualité du français dans les communications écrites et orales en provenance des administrations centrales, ne sont que quelques-uns des symptômes de la négligence dont fait l'objet l'égalité de statut des deux langues officielles dans les ministères fédéraux du Québec.

Comme nous l'avons noté précédemment, ce qui frappe dans cette étude, c'est le large consensus qui se dégage des nombreuses rencontres, tant parmi les francophones que chez des anglophones. En voici les lignes de force :

- Au chapitre des communications orales, il nous est apparu évident et normal que le français soit désormais la langue courante des communications dans les bureaux du Québec, à tel point que nombre d'anglophones disent préférer le français comme moyen de communication avec leurs collègues. Cette absence relative de l'anglais dans les communications orales serait en grande partie attribuable à deux principaux facteurs, soit la faible participation des anglophones dans ces bureaux et leur excellente maîtrise du français. Quant aux communications écrites émanant de la région du Québec, elles sont bilingues si elles doivent servir d'instruments de travail à long terme ou si elles sont destinées à de grands groupes d'employés. Les autres communications écrites provenant de cette région et qui ne sont destinées qu'à quelques employés se font soit en français seulement, soit dans les deux langues officielles. Apparemment, ces pratiques n'ont pas posé de problème aux participants à l'étude, même si le statut d'égalité des deux langues ne semble pas être respecté dans tous les cas.

- Les communications écrites adressées aux employés des bureaux régionaux par les administrations centrales à Ottawa-Hull sont soit unilingues anglaises, soit bilingues, mais souvent les traductions en français sont de mauvaise qualité. Ces pratiques laissent à entendre que la version anglaise est la version originale de l'administration centrale et celle à laquelle il faut se fier en cas de traduction douteuse.

- Les communications orales entre les employés des bureaux situés au Québec et ceux des administrations centrales à Ottawa-Hull sont loin de satisfaire aux exigences de la Loi. Les francophones affirment que trop souvent leurs pairs ou les personnes-ressources de la RCN ne maîtrisent pas suffisamment le français. Il leur arrive d'ailleurs souvent de devoir s'adresser à un interlocuteur qui parle français, mais qui n'a pas la compétence technique requise pour répondre à la requête. Cela est particulièrement le cas lorsqu'ils transigent avec des gestionnaires de programmes, des experts-conseils en informatique et de certains membres de la haute direction. Néanmoins, il faut souligner que les services centraux, administratifs et du personnel, entre autres, s'acquittent bien de leur tâche.

- Plusieurs employés ont également exprimé leur mécontentement à l'égard de la formation professionnelle. Lorsqu'elle est offerte par l'administration centrale à Ottawa, elle ne tient pas suffisamment compte des besoins des employés fédéraux travaillant au Québec. De nombreux exemples nous furent présentés par des francophones qui devaient accepter une formation en langue anglaise au siège social, alors que plusieurs anglophones affirmaient devoir suivre leurs cours hors du Québec afin d'obtenir une formation professionnelle dans la langue de leur choix. On nous a aussi souligné à maintes reprises que lorsque les francophones de la région du Québec devaient se rendre à Ottawa pour des réunions de service, il leur arrivait souvent de devoir laisser leur français au vestiaire ...

Le français comme langue scientifique et technique

L'informatique est devenu un outil de travail omniprésent dans l'accomplissement des tâches des employés des institutions fédérales. Le législateur en a compris l'importance et en a tenu compte dans l'énoncé de l'alinéa 36(1)*b*) de la *Loi sur les langues officielles* de 1988. Il incombera donc aux institutions fédérales de la RCN et des autres régions désignées « de veiller à ce que les systèmes informatiques d'usage courant et généralisé et acquis ou produits par elles à compter du 1er janvier 1991 puissent être utilisés dans l'une ou l'autre des langues officielles ».

Face à cet objectif, le gouvernement a pris dès le départ des mesures particulières dont nous avons fait état dans le *Rapport annuel 1989*. Cette année, le Conseil du Trésor a réitéré son engagement à cet égard en tenant deux colloques regroupant quelque 300 représentants de diverses institutions et en émettant une politique de gestion de la technologie de l'information. À quelques mois du 1er janvier 1991, il semblait évident toutefois que certaines institutions fédérales, surtout des sociétés d'État, ne pourraient pas respecter l'échéance fixée par la Loi pour ce qui est de l'acquisition ou de la production des systèmes informatiques pouvant être utilisés dans l'une ou l'autre langue officielle, n'ayant pas terminé à temps les travaux préparatifs nécessaires.

Les observations du Commissaire aux langues officielles, au 55e Congrès de l'Association canadienne-française pour l'avancement des sciences, tenu en mai 1987, de même que nos recommandations subséquentes sont toujours d'actualité et pourtant il ne nous semble pas que l'on s'efforce, avec toute la vigueur voulue, de créer un milieu de travail propice à l'utilisation créatrice du français par les scientifiques. Nous déplorons donc que le comité du Conseil du Trésor sur la Science et les Langues n'ait pas siégé cette année. Toutefois, par suite des réunions qu'ils ont tenues antérieurement, les responsables du comité ont entrepris la préparation d'un rapport dont la date de publication n'a pas encore été arrêtée. Pourtant, il est de toute évidence nécessaire d'élaborer des lignes directrices en vue de la promotion du français dans le domaine scientifique. Si l'Université Laval de Québec a cru bon d'adopter un tel programme, à plus forte raison est-il urgent que l'ensemble des institutions fédérales prennent des mesures semblables. L'intention n'est certes pas de nuire aux chercheurs qui veulent être connus sur la scène internationale, surtout dans les domaines de pointe, et qui choisissent pour ce faire d'utiliser la langue anglaise. Il nous semble cependant approprié que chaque organisme sache mettre à la disposition de ses scientifiques francophones des moyens leur permettant tout au moins de travailler et de publier un bon nombre de communications dans leur première langue officielle. Mais le gouvernement devra, lui aussi, faire des efforts afin de recruter des employés parmi les diplômés francophones en vue d'assurer une présence suffisamment agissante pour aider à l'application d'un tel programme. L'établissement de l'Agence spatiale canadienne non loin de Montréal devrait grandement contribuer à la réalisation de cet objectif. De plus, le Conseil du

Trésor a mené une étude sur la participation des francophones et des anglophones dans la catégorie Scientifique et professionnelle, et il compte publier un rapport sous peu.

Insuffisances de la surveillance bilingue

Comme nous le signalons depuis de nombreuses années, les problèmes de fond et les plus sérieux sont ceux liés à l'aspect dynamique en milieu de travail dans les échanges entre le gestionnaire et son employé. La langue parlée et écrite demeure évidemment un facteur primordial dans les communications. Malheureusement, un grand nombre de surveillants dans les régions bilingues, soit 3 550 sur un total de 13 858 (ou un sur quatre), ayant des employés des deux groupes linguistiques sont encore incapables d'assumer cette fonction dans les deux langues officielles, sans compter un grand nombre d'autres qui, ayant réussi le test linguistique et touchant une prime de bilinguisme, ne font aucun effort en vue d'assurer à leurs employés le libre choix de la langue de travail. Les communications orales, les réunions et la surveillance des employés francophones s'effectuent encore trop souvent en anglais seulement malgré un important investissement dans la formation linguistique. Il revient aux surveillants de faire les premiers pas et de communiquer avec leurs employés dans la première langue officielle de ces derniers. Ce peu de respect des droits linguistiques des employés s'inscrit en faux contre les objectifs du programme Fonction publique 2000 et trouve en partie son origine dans le manque d'information des gestionnaires et des employés quant à leurs obligations et à leurs droits en la matière. Les politiques sont là et les dispositions de la Loi sont sans équivoque. Il faudrait toutefois pouvoir compter sur la bonne volonté de la haute gestion et des surveillants pour les mettre en application. Après tout, c'est aux employés que la Loi reconnaît des droits, et non pas aux gestionnaires qui, eux, ont l'obligation de respecter ces droits.

Conclusion

Bien que le français ait atteint progressivement en vingt ans la place qui lui est due dans les ministères fédéraux au Québec, l'année 1990 n'a malheureusement pas montré de progrès tangibles dans l'égalité de statut des deux langues officielles en milieu de travail dans les autres régions désignées. D'ailleurs, notre enquête effectuée cette année dans les ministères fédéraux au Québec est venue confirmer les conclusions de l'étude que nous avions menée, il y a deux ans, sur la langue de travail au Nouveau-Brunswick. Sauf au Québec, le français fait toujours figure de parent pauvre dans les bureaux de la région de la capitale nationale — centre nerveux des communications — ainsi que dans les autres régions bilingues et l'anglais n'occupe pas la place qui lui revient dans les ministères fédéraux au Québec.

L'étude faite cette année sur la langue de travail au Québec ne couvre qu'une partie du sujet, mais elle nous a permis de constater que la *Loi sur les langues officielles* a joué un rôle décisif, au cours des vingt dernières années, en incitant

à combler l'écart qui existait entre l'utilisation du français et de l'anglais en milieu de travail dans les ministères fédéraux au Québec. Cet élan a eu un tel effet que le français y est devenu la langue normale des communications dans cette région, ce dont il y a lieu de se féliciter. Mais il a aussi eu pour résultat de diminuer l'utilisation de l'anglais, ce qui est moins bien. Plusieurs problèmes devraient cependant retenir l'attention des administrations centrales de la région de la capitale nationale, en ce qui a trait à leurs relations avec les bureaux du Québec. Pour les employés du Québec, ces administrations centrales ne disposent pas de ressources bilingues suffisantes, sans oublier que la conception et la mise en œuvre des programmes ne tiennent pas compte de leurs besoins linguistiques.

Il est clair pour nous que les dispositions de la Loi de 1988 portant sur la langue de travail resteront lettre morte tant que le gouverneur en conseil n'adoptera pas une réglementation précisant les droits conférés aux employés fédéraux. Voilà pourquoi nous réclamions avec force, en 1989, une telle réglementation, facteur essentiel de toute progression. À la lumière des résultats de notre étude au Québec et de l'ensemble de nos travaux en 1990, nous réitérons donc notre demande au gouvernement, à savoir qu'il émette des règlements sur l'usage des deux langues officielles en milieu de travail au sein des institutions fédérales dans les régions désignées, et qu'il précise plus spécifiquement le régime linguistique qui doit présider aux communications entre les administrations centrales et les bureaux situés dans les régions désignées bilingues aux fins de la langue de travail.

PARTIE III

Évaluation de cinquante institutions

Évaluation de cinquante institutions

Un plus grand respect de la Loi

Les cinquante ministères, organismes et sociétés d'État qui font l'objet de notre analyse cette année ont été choisis parmi les quelque 160 institutions fédérales assujetties à la *Loi sur les langues officielles* de 1988. L'effectif de ces institutions varie d'une centaine à plusieurs dizaines de milliers d'employés mais, au total, ces institutions comptent près de 400 000 employés, soit 90 p. 100 de l'ensemble de l'effectif de toutes les institutions fédérales. Elles jouent toutes un rôle important auprès des Canadiens et se distinguent par leur mandat, leur clientèle et la répartition géographique de leurs bureaux.

Ces cinquante institutions ont été retenues selon plusieurs critères. Un certain nombre (11) a fait l'objet d'une vérification linguistique ou d'un suivi de notre part en 1990 (ces institutions sont marquées d'un astérisque). D'autres (32) furent choisies en fonction de leur envergure ou de leur visibilité. Plusieurs (22) ont été retenues en raison du grand nombre de plaintes reçues à leur égard et certaines (10), parce qu'elles n'avaient pas été évaluées depuis quelques années. Deux ont comparu en 1990 devant le Comité mixte permanent des langues officielles. Vingt-trois ont été choisies en raison d'une combinaison de ces critères.

Nous évaluons le comportement linguistique de chaque institution en fonction des trois éléments fondamentaux de la Loi : le service au public, la langue de travail et la participation équitable des deux groupes de langue officielle. Nos observations portent également sur l'administration du programme des langues officielles au sein des institutions quand un fait important dans ce domaine a été jugé digne de mention, telle la signature d'un protocole d'entente en matière de langues officielles entre le ministère et le Conseil du Trésor. Enfin, dans tous les cas, nous faisons état des plaintes fondées et nous portons un jugement sur le degré de collaboration que avons reçu des institutions dans le traitement de ces plaintes. En 1990, les évaluations ont fait, une fois de plus, l'objet de discussions poussées avec les institutions en cause, et elles reflètent, dans la mesure du possible, les commentaires reçus.

Chaque évaluation débute par un jugement global portant sur les résultats atteints par chaque institution dans la mise en œuvre du programme des langues

officielles. Il s'agit là d'un bon étalon pour mesurer le dynamisme dont l'organisme a fait preuve dans la mise en œuvre de la Loi depuis sa promulgation en 1988. Une analyse des cotes attribuées aux institutions démontre que dans 40 p. 100 des cas, la nouvelle Loi a eu un effet positif sur la mise en œuvre du programme, alors qu'en 1989, elle n'avait eu un effet favorable que dans le cas de 10 institutions ou 20 p. 100 des évaluations. Certes, cette constatation est encourageante et indique que la réforme linguistique fait lentement mais sûrement des progrès, ce qui est sans doute attribuable à l'amélioration des services au public dans les deux langues. Toutefois, il faut se garder de faire montre d'un optimisme exagéré, car il est aussi vrai que dans 30 des 50 institutions évaluées, la Loi n'a pas encore eu les effets attendus et ce, plus de deux ans et demi après sa promulgation.

Affaires extérieures

La situation linguistique est demeurée stable au ministère des Affaires extérieures en 1990. Les problèmes soulevés dans notre évaluation de 1989 restent sensiblement les mêmes. Ainsi, bien que les services du Ministère soient généralement disponibles dans les deux langues, certaines lacunes concernant les missions à l'étranger subsistent. Quant à la langue de travail, des problèmes perdurent pour ce qui est des instruments de travail et des services centraux. Enfin, il existe toujours des déséquilibres dans certaines catégories d'emploi. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Les services offerts au public par le Ministère sont généralement disponibles dans les deux langues officielles, au Canada comme à l'étranger, malgré certaines lacunes qui ont été relevées. Cependant, à l'étranger, le Ministère se doit d'évaluer plus clairement la demande et d'établir des normes minimales de capacité bilingue pour chacune de ses missions, bien qu'en réalité, dans la plupart d'entre elles, les services en français et en anglais soient déjà offerts dans une certaine mesure. De plus, le tiers des employés embauchés sur place, et qui font directement affaire avec le public aux postes d'accueil, ne possèdent pas une connaissance suffisante des deux langues officielles. Le Ministère offre un programme de formation linguistique pour remédier à cette situation et a pris certaines dispositions dans les missions où ces préposés ne peuvent servir adéquatement le public dans les deux langues.

En 1989, nous mentionnions que la capacité bilingue des secrétaires permutants bilingues se situait à 59,1 p. 100. Cette année, cette capacité a baissé à 56 p. 100. Étant donné que les employés de cette catégorie jouent un rôle important quant à la langue utilisée dans de nombreuses directions et missions, nous encourageons le Ministère à intensifier ses efforts de formation linguistique à l'intention des

secrétaires permutants. Cette situation ne s'est guère améliorée depuis quelques années, mais nous notons, parmi les mesures adoptées dans l'examen ministériel de 1990, que le Ministère accorde la priorité à la formation linguistique de ce groupe d'employés.

Au chapitre de la langue de travail, les participants au comité de la haute gestion peuvent intervenir dans la langue de leur choix, bien que la plupart des documents préparés par les agents et dont ils sont saisis soient habituellement en anglais. Par contre, le taux de francophones qui suivent des cours de formation dans leur langue est passé de 35 p. 100 en 1987-1988 à 64,1 p. 100 en 1989-1990. Le Ministère a aussi diffusé la brochure du Secrétariat du Conseil du Trésor sur l'utilisation des deux langues durant les réunions. Au chapitre de la surveillance, seulement 80,5 p. 100 des 303 surveillants non permutants satisfont aux exigences linguistiques de leur poste. De façon générale, les services centraux et du personnel sont disponibles dans les deux langues. Cependant, la Direction de l'affectation du personnel administratif permutant, chargée des services aux agents permutants, n'a toujours pas la capacité bilingue nécessaire pour assurer un service d'égale qualité dans les deux langues officielles. Nous incitons les responsables à se pencher de nouveau sur cette question. Par ailleurs, afin de créer un climat plus propice à l'utilisation du français, le Ministère devra poursuivre dans les meilleurs délais la mise en œuvre de certaines recommandations formulées par le Commissariat en 1985 et qui n'ont été que partiellement suivies. Plus précisément, la traduction de certains instruments de travail accuse toujours un sérieux retard, mais le Ministère s'est engagé à remédier à cette situation.

Les taux de participation des anglophones et des francophones demeurent sensiblement les mêmes qu'en 1989, soit 70 p. 100 et 30 p. 100 respectivement de l'effectif (4 146 employés), ce qui nous semble équitable étant donné le mandat du Ministère, l'emplacement de ses bureaux et la clientèle servie. Cependant, il existe toujours des déséquilibres sectoriels. Ainsi, la participation des francophones est faible dans les catégories Gestion (20,9 p. 100), Scientifique et professionnelle (11,3 p. 100) et Technique (15,9 p. 100). La participation anglophone dans la catégorie Soutien administratif nous apparaît insuffisante alors qu'elle ne représente que 63,6 p. 100 des 1 688 employés.

Quoique le programme des langues officielles demeure insuffisamment intégré à la gestion quotidienne et n'a pas toute la visibilité souhaitable, nous constatons que les conclusions du récent examen ministériel porte sur ces questions et nous suivrons avec intérêt les efforts du Ministère dans la mise en œuvre des initiatives proposées. Par ailleurs, le poste de directeur des langues officielles a été comblé au cours de l'été 1990, après avoir été vacant pendant plusieurs mois.

Cette année, nous avons instruit 19 plaintes portées contre le Ministère, comparativement à 34 l'an dernier. Des 12 plaintes touchant la langue de service, 7 avaient trait aux communications téléphoniques au pays et à l'étranger.

Six autres touchaient la langue de travail, dont une faisant état de la présentation aux cadres du Ministère d'une vidéocassette unilingue anglaise du Groupe de travail sur la revue ministérielle. Les mesures correctives ont été prises dans les meilleurs délais.

Agence canadienne de développement international

Comme par les années passées, l'Agence canadienne de développement international (ACDI) s'est distinguée par son excellent rendement en 1990 : elle continue de bien s'acquitter de ses responsabilités linguistiques en matière de service au public et de langue de travail. Cependant, des déséquilibres sérieux perdurent sur le plan de la participation équitable. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

À l'ACDI, le service au public est assuré dans les deux langues officielles grâce à la grande capacité bilingue, à l'offre active de services bilingues et aux arrangements administratifs pris pour combler quelques lacunes occasionnées par l'unilinguisme de certains employés. En outre, les publications de l'ACDI sont bilingues et tout le matériel d'intérêt général est disponible dans les deux langues officielles, même au stade d'ébauche, aux fins de consultations internes et externes. Toutefois, certains guides de renseignements, destinés aux coopérants affectés à l'étranger, sont toujours unilingues. Nous incitons l'Agence à prendre les mesures correctives qui s'imposent pour rectifier cette situation dans les meilleurs délais.

Au chapitre de la langue de travail, l'ACDI offre à ses employés un milieu propice à l'utilisation des deux langues officielles. En général, l'utilisation du français et de l'anglais est chose courante aux réunions des comités de la haute gestion, de même qu'aux réunions tenues à divers paliers de l'Agence. De plus, 88,5 p. 100 des surveillants satisfont aux exigences linguistiques de leur poste et un plan de formation a été établi pour les autres. Depuis notre dernière évaluation en 1988, nous constatons avec satisfaction une diminution importante du nombre de postes de surveillance n'exigeant qu'une connaissance minimale de la langue seconde, qui sont passés de 30 à 8. Dans le domaine de l'informatique, l'ACDI compte des réalisations à son actif, puisqu'elle poursuit activement la bilinguisation de ses systèmes, dont la plupart sont déjà accessibles aux usagers en français et en anglais. Du reste, chaque direction dispose d'une équipe d'appui bilingue en vue d'aider le personnel dans l'utilisation de ces systèmes.

Nous observons de nouveau un recul de la participation anglophone, qui est passée de 43 p. 100 en 1988 à 41,2 p. 100 en 1990, ce qui nous paraît trop faible compte tenu du mandat, de la clientèle et de l'emplacement des bureaux de l'ACDI. Même si le mandat de l'Agence justifie une participation francophone plus élevée que les normes nationales, puisqu'elle fait des transactions au

Canada et à l'étranger dans les deux langues officielles à part égale, il n'en demeure pas moins que l'organisme devra tout mettre en œuvre afin de redresser une situation qui tarde à s'améliorer. Le plan d'action contenu dans le protocole d'entente signé avec le Conseil du Trésor confirme l'engagement de l'ACDI en ce sens. Deux catégories professionnelles retiennent particulièrement notre attention, soit celles du Soutien administratif et de la Gestion, dont les anglophones n'occupent respectivement que 25,8 p. 100 et 58,6 p. 100 des postes.

En 1990, l'ACDI a fait l'objet d'une seule plainte touchant la langue de travail. Le problème a été réglé rapidement.

Agriculture

En 1990, le ministère de l'Agriculture s'est généralement bien acquitté de ses responsabilités linguistiques relatives au service au public. En ce qui a trait à la langue de travail, cependant, le français n'occupe toujours pas la place qui lui revient. Enfin, des déséquilibres perdurent sur le plan de la participation. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Au chapitre du service au public, notons que le Ministère a désigné ses bureaux à demande importante, qu'il révèle son identité de façon bilingue dans ses bureaux et que l'accueil téléphonique se fait généralement dans les deux langues. En raison de certaines faiblesses signalées au bureau de Winnipeg, le Ministère a dû prendre des mesures particulières pour assurer un accueil téléphonique bilingue. Par ailleurs, le Ministère a déjà mis en place des dispositifs indiquant au public la disponibilité des services dans la langue officielle de son choix dans les régions où l'on retrouve la plus grande concentration de minorités. Enfin, signalons que le service au public assuré à la Ferme expérimentale dans la région de la capitale nationale, durant les expositions de renom, tels le Festival des chrysanthèmes et les visites guidées, est digne de mention.

En ce qui concerne la langue de travail, la situation n'a guère changé au Ministère en 1990, le français n'occupant toujours pas la place qui lui revient. Le comité de haute gestion travaille en général dans les deux langues officielles, mais le français n'est guère utilisé durant les réunions internes. Le pourcentage des surveillants répondant aux exigences linguistiques de leur poste est de 77 p. 100, ce qui ne favorise pas non plus l'utilisation du français dans le travail quotidien. Par contre, les services internes sont offerts dans les deux langues. Enfin, une étude entreprise par le Ministère a démontré que les systèmes informatisés ne peuvent être utilisés en français dans certains secteurs du Ministère.

Compte tenu du mandat du Ministère, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation francophone demeure encore faible cette année (22 p. 100). Nous félicitons le Ministère pour l'augmentation de la présence

francophone dans la catégorie Gestion (qui est passée de 17 à 20 p. 100). Par contre, au Québec, nous notons que la participation des anglophones demeure sensiblement au même niveau que l'an dernier, soit à 3,5 p. 100. Au Nouveau-Brunswick, nous constatons également une légère augmentation du nombre de francophones, qui est passé de 20 p. 100 à 23 p. 100. Nous encourageons le Ministère à poursuivre ses efforts en vue d'établir un meilleur équilibre des deux groupes linguistiques.

Neuf plaintes fondées ont été déposées contre le ministère de l'Agriculture en 1990, comparativement à 15 en 1989. Sept de ces plaintes concernaient le service au public, une touchait à la langue de travail et une dernière portait sur la gestion du programme. Le Ministère fait preuve d'une étroite collaboration dans le traitement de ces dossiers.

Air Canada*

Le rendement linguistique d'Air Canada ne s'est guère amélioré depuis la privatisation de la Société en 1988. À l'extérieur du Québec, Air Canada ne parvient toujours pas à servir promptement ses clients dans les deux langues officielles et la situation en matière de langue de travail n'a pas progressé ces dernières années. Chaque pouce que nous avons gagné dans ces domaines a nécessité de longs pourparlers avec les représentants d'Air Canada. Cependant, nous espérons que la Société donnera suite à un certain nombre d'améliorations promises pour 1991. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu peu d'effet depuis sa promulgation en 1988.

En 1990, comme à chacune des dix dernières années, nous avons reçu un volume important de plaintes concernant l'insuffisance des services au sol en français, en particulier aux aéroports de Winnipeg, de Toronto, d'Edmonton et de Moncton. À la fin de l'année, la direction à Winnipeg avait enfin pris les mesures nécessaires pour que les annonces d'embarquement soient bilingues. La plupart des plaintes portées contre d'autres aéroports pourraient être éliminées au moyen d'un meilleur affichage et de la présence d'agents bilingues à tous les quarts de travail. Cela est particulièrement important à Toronto, où des agents bilingues devraient être affectés, en tout temps, au comptoir du service Rapidair vers Montréal et Ottawa. Pour résoudre ces difficultés persistantes, la direction de la Société devra prendre le ferme engagement de déterminer clairement les comptoirs d'aérogare pouvant dispenser un service bilingue et insister pour que ce service y soit activement offert au public.

Il faut néanmoins reconnaître que des améliorations ont été apportées à certains endroits sur le plan du service au public. Ainsi, au chapitre de l'offre active, la direction des aéroports d'Ottawa et de Vancouver mérite des éloges pour avoir installé de nouveaux écriteaux indiquant où on peut se faire servir dans les deux

langues officielles. À Vancouver, les améliorations apportées au système d'annonces publiques devraient faciliter la diffusion constante des annonces d'embarquement dans les deux langues. De plus, les bons résultats obtenus à l'aéroport d'Ottawa, grâce à l'établissement d'exigences linguistiques pour certains postes, devraient inciter d'autres aéroports à suivre cet exemple.

La capacité linguistique des agents de bord d'Air Canada, dont les deux tiers environ sont bilingues, s'est encore accrue cette année : 95 p. 100 des nouvelles recrues connaissent les deux langues officielles. Nous attendons la réaction d'Air Canada à notre suggestion voulant que les agents bilingues arborent un insigne pour permettre aux passagers de les repérer plus facilement (d'autres institutions fédérales au service des voyageurs ont adopté cette formule avec succès). Nous n'avons pas reçu de réponse, non plus, à notre suggestion que la disponibilité du service dans les deux langues officielles soit mentionnée dans le cadre des messages de routine à bord des avions. Cette année, la Société a pris l'heureuse initiative d'examiner la programmation musicale en vol afin de s'assurer qu'au moins un canal soit consacré exclusivement à des chansons en langue française.

En septembre 1990, après avoir épuisé tous ses autres recours, le Commissaire a saisi la Cour fédérale de 11 plaintes concernant le fait qu'Air Canada n'insérait pas ses annonces dans la presse de langue française dans les régions de Winnipeg et de Moncton. À notre avis, la Société n'a pas respecté les exigences minimales de l'article 30 de la Loi dans ses campagnes publicitaires.

À ce jour, la Société n'a jamais voulu reconnaître la nécessité d'offrir un service d'accueil bilingue au bureau régional et de district de Toronto, bien que le numéro de téléphone figure sous la rubrique française. De même, les anglophones qui composent le numéro du service de réservation à Ottawa (dont la réception se trouve à Montréal) se font rarement accueillir dans leur propre langue. Air Canada soutient qu'elle ne considère pas que les préposés à la vente et aux services sont tenus de répondre dans les deux langues en dépit des dispositions de l'article 28 de la Loi. Toutefois, ayant décidé de vérifier la qualité des services offerts par son principal concurrent dans la région de la capitale nationale, nous avons été agréablement surpris d'être salués chaque fois par une formule très brève, mais bilingue.

Le français n'occupe pas la place qui lui revient comme langue de travail à la Société. Air Canada vient tout juste d'entreprendre la révision de sa politique en la matière en vue de la rendre conforme à la Loi de 1988. Le français n'est à peu près pas utilisé aux réunions de la haute direction, puisque certains des principaux cadres ne comprennent pas cette langue. Cependant, à la suite d'une importante réorganisation, tous les membres du personnel et de la gestion locale aux Opérations aériennes de la base de Montréal sont désormais bilingues. Le rapport sur la traduction des cartes de travail du DC-9 a été achevé en septembre

1990, et nous avons appris qu'il sera soumis à la haute direction, laquelle décidera si les conclusions de ce rapport seront mises en œuvre, une fois pour toutes, d'ici la fin de l'année.

Bien qu'une partie de la documentation soit disponible en français et en anglais et que plusieurs instructeurs soient bilingues, la Société s'est montrée peu disposée à accroître le nombre de cours de formation offerts en français aux employés du secteur Opérations aériennes. Ni le cours d'Entraînement périodique annuel ni celui d'Introduction au commandement ne sont offerts dans cette langue. Cependant, un an après le dépôt de trois plaintes au sujet du cours unilingue anglais de Gestion des ressources du poste de pilotage, Air Canada a terminé la traduction de la documentation pour ce cours. Nous osons croire que, au nouveau centre de formation de Dorval, la Société accordera l'importance voulue à la nécessité de dispenser la formation aux employés dans les deux langues officielles et ce, de façon constante. Nous félicitons Air Canada pour deux initiatives prises dans le cadre de son programme de formation linguistique : des cours de français donnés sur les lieux de travail à Winnipeg et un projet-pilote à Vancouver.

Par suite de l'annonce de 2 900 mises à pied qui, dans la plupart des cas, prendront effet à compter du 31 janvier 1991, l'effectif de la Société ne sera plus que d'environ 20 100. Il est impossible de déterminer l'incidence de cette réduction sur la participation équitable des deux groupes linguistiques, car, cette année encore, Air Canada n'a pu nous fournir des chiffres sur la composition de son effectif.

Nous avons reçu 255 plaintes fondées contre Air Canada en 1990, comparativement à 234 en 1989. De ce nombre, 140 avaient trait à l'absence d'annonces dans la presse minoritaire de langue française. Une concernait la distribution d'avis et de notes de service unilingues anglais aux employés du siège social, à Montréal. Parmi les autres, 63 p. 100 étaient liées à la difficulté d'obtenir des services en français au sol; 19 p. 100 avaient rapport aux services en vol; et 18 p. 100 se rapportaient aux communications téléphoniques et à d'autres aspects du service. Plusieurs de ces plaintes démontrent que la direction d'Air Canada n'exerce pas un contrôle suffisant sur l'administration de son programme des langues officielles. De plus, la Société se montre de moins en moins disposée à collaborer dans le cadre des enquêtes relatives à ces plaintes, à un point tel que seulement 27 p. 100 des plaintes liées aux services ont été réglées de façon informelle.

Anciens combattants

Cet organisme, qui n'a pas été évalué depuis 1986, continue de bien servir sa clientèle dans les deux langues officielles. Toutefois, le français n'occupe toujours pas la place qui lui revient comme langue de travail et il existe toujours des déséquilibres au chapitre de la participation des francophones dans la

catégorie Gestion et à l'administration centrale, à Charlottetown. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Les services aux anciens combattants, aux membres de la GRC et des Forces canadiennes, et parfois aux personnes dont elles ont la charge, sont offerts par l'intermédiaire d'un réseau de cinq bureaux régionaux et de 32 bureaux de district, de même que par le Foyer Rideau pour anciens combattants à Ottawa, le Foyer Saskatoon et l'Hôpital Sainte-Anne de Bellevue, près de Montréal. Le Ministère a pris les mesures nécessaires afin que les services soient offerts dans les deux langues officielles. La correspondance se fait toujours dans la langue du client. Toutes les publications du Ministère sont bilingues, et les services téléphoniques sont offerts dans les deux langues dans les régions où la demande est importante. Ailleurs, des dispositions administratives ont été prises afin que les clients de la minorité linguistique puissent recevoir d'un bureau assurant un service bilingue des services dans la langue de leur choix. En outre, il faut souligner que le Ministère offre des services bilingues très satisfaisants à l'Hôpital Sainte-Anne.

Sa plus grande faiblesse demeure la langue de travail, mais le Ministère prend des mesures afin que le français puisse occuper davantage la place qui lui revient. Durant les réunions des cadres supérieurs, les participants peuvent utiliser la langue de leur choix et les ordres du jour, les procès-verbaux et les autres documents sont rédigés dans les deux langues. Bien que 83 p. 100 des surveillants satisfassent aux exigences linguistiques de leur poste, celles-ci se limitent en général au niveau intermédiaire de la compétence linguistique. Les instruments de travail sont produits dans les deux langues, mais les communications entre l'administration centrale à Charlottetown et le Secteur des opérations au Québec ne se font pas toujours en français.

Étant donné son mandat, la clientèle qu'il sert et le fait que 40 p. 100 de ses employés travaillent au Québec, principalement à l'Hôpital Sainte-Anne, le taux de participation des francophones au sein du Ministère est équitable dans l'ensemble (38,9 p. 100). Il existe toutefois un certain nombre d'inégalités sectorielles. Par exemple, à l'administration centrale, à l'Île-du-Prince-Édouard, les catégories Scientifique et professionnelle et Technique ne comptent aucun francophone, et il n'y en a que 37 parmi les 387 titulaires de postes de la catégorie Soutien administratif (9,6 p. 100). En ce qui concerne les autres catégories à Charlottetown, trois employés sur 20 (15 p. 100) de la catégorie Gestion sont francophones et dans la catégorie Administration et service extérieur, ils ne représentent que 14 p. 100 de l'effectif (293). Au Québec, les anglophones forment 11 p. 100 de l'effectif (138 sur 1 252).

Cette année, nous avons reçu trois plaintes fondées comparativement à deux en 1989. Ces plaintes portaient sur le service au public. Deux d'entre elles avaient

trait au service d'accueil au téléphone et l'autre à un document qui n'avait pas été envoyé dans la langue choisie par le client. Deux de ces plaintes concernaient le Ministère lui-même et la troisième mettait en cause le Bureau de services juridiques des pensions, l'un des quatre organismes qui relèvent du ministre des Anciens combattants. Ces trois plaintes ont été réglées rapidement et de façon satisfaisante.

Approvisionnements et Services

En dépit de certaines lacunes, le ministère des Approvisionnements et Services (MAS) a continué de bien s'acquitter de ses obligations linguistiques en ce qui concerne le service au public en 1990. Toutefois, le français n'occupe pas encore la place qui lui revient en tant que langue de travail et, comme nous l'avons signalé en 1989, la faible participation des anglophones est encore inacceptable. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Lorsqu'il fait affaire avec ses clients, le MAS veille à ce que les services bilingues soient clairement annoncés, à ce que l'accueil téléphonique soit bilingue et à ce que les publications soient produites dans les deux langues. De plus, le Ministère demande aux fournisseurs d'indiquer la langue de leur choix afin que toute la correspondance et tous les documents soient envoyés dans la langue appropriée. Toute la publicité du Ministère est produite dans les deux langues officielles et l'on fait appel à la presse minoritaire conformément aux exigences de la Loi, particulièrement en ce qui concerne les activités du Centre de distribution des biens de la Couronne.

Toutefois, malgré tous les efforts déployés par le Ministère, il reste encore des problèmes à régler, concernant le processus d'invitation à soumissionner dans la région de la capitale nationale où les documents dans certains cas ne sont encore disponibles qu'en anglais. De même, bien que le MAS assure un suivi à l'égard des services fournis pour son compte par des tierces parties, notamment par Référence Canada, la société Marlin Travel Service et un certain nombre de librairies du secteur privé, la prestation de services dans les deux langues officielles par ces derniers pose toujours des problèmes.

En ce qui concerne la langue de travail, les deux langues officielles sont utilisées dans les réunions des comités de direction. Toutefois, étant donné que 21 p. 100 des surveillants sont unilingues, il n'est pas très surprenant que le français n'occupe pas la place qui lui revient au Ministère. Un certain nombre de mesures ont été prises concernant la langue de travail. Des manuels, des directives et d'autres documents de travail sont disponibles dans les deux langues et la formation est offerte dans la langue choisie par l'employé. Les réunions auxquelles participe le personnel des bureaux régionaux sont tenues dans les deux langues

officielles et toutes les réunions comprenant une grande participation d'employés se déroulent également dans les deux langues officielles, grâce à l'interprétation simultanée. Toutefois, dans bien des cas, certaines communications avec le Québec continuent d'avoir lieu en anglais seulement.

Certains problèmes persistent en ce qui concerne l'obligation de fournir des services bilingues aux autres ministères. Au cours de certaines séances d'information, il arrive que des documents soient disponibles en anglais uniquement, que l'on ne dispose que d'un résumé en français et que certaines présentations soient faites en anglais seulement.

Les anglophones représentent 59 p. 100 des 8 641 employés du Ministère. La situation est restée presque la même depuis 1988. Étant donné le mandat du Ministère, sa clientèle et l'emplacement de ses bureaux, le taux de participation des anglophones est démesurément faible, particulièrement au Québec (15 employés sur 636 ou 2,4 p. 100), de même que dans les catégories Technique (68 p. 100), Soutien administratif (56 p. 100) et Exploitation (36,6 p. 100).

En 1990, nous avons reçu 29 plaintes fondées mettant en cause le ministère des Approvisionnements et Services, comparativement à 54 en 1989. La plupart des plaintes portaient sur le service au public (par exemple, des documents et des services unilingues), tandis que neuf portaient sur des questions relatives à la langue de travail, notamment la surveillance unilingue et les services fournis à d'autres ministères. En règle générale, les plaintes ont été réglées de façon satisfaisante.

Banque du Canada

Au cours de l'année 1990, la Banque du Canada a su, d'une part, maintenir son rendement déjà plus que satisfaisant pour ce qui est du service au public dans les deux langues officielles et, d'autre part, continuer à faire des progrès en milieu de travail qui est de plus en plus bilingue. Toutefois, la Banque devra poursuivre ses efforts afin d'équilibrer la participation des francophones et des anglophones dans certains services. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a des effets tangibles depuis sa promulgation en 1988.

L'institution est très consciente de son obligation de servir le public dans les deux langues officielles. Par exemple, ses réceptionnistes reçoivent une formation leur permettant d'offrir activement le service en français et en anglais, et les employés qui répondent aux clients par téléphone ou au comptoir disposent de cartes « d'aide » leur indiquant comment répondre à un client dans la langue officielle de son choix. Par ailleurs, la Banque n'a de nouveau ménagé aucun effort afin de s'assurer que la campagne des obligations d'épargne du Canada soit conforme à l'esprit et à la lettre de la Loi.

La Banque du Canada s'est montrée dynamique dans la poursuite de ses objectifs en matière de langue de travail au sein de ses agences. À cet égard, elle a continué à prendre des initiatives en vue d'accroître l'usage du français au sein de l'institution. Depuis plusieurs années, toutes les réunions de la haute direction ainsi que les réunions de gestion dans les trois quarts de ses services se déroulent dans les deux langues. En 1990, 62 p. 100 des surveillants de la Banque étaient bilingues, ce qui constitue une augmentation de 2 p. 100 par rapport à 1989. Les surveillants et les cadres jouissent toujours d'un statut prioritaire dans son programme de formation linguistique. De plus, 15 surveillants anglophones se sont inscrits à un nouveau programme de révision de textes et de rédaction d'évaluations de rendement en français. Par ailleurs, six anglophones et trois francophones ont pris part à un programme d'échanges entre les régions, destiné à renforcer l'acquis dans la langue seconde. Les employés des deux groupes de langue officielle ont été encouragés à mettre en pratique leur connaissance de la langue seconde lors de conversations téléphoniques avec leurs collègues dans d'autres régions.

Bien que la Banque ait réussi à maintenir le même équilibre dans certaines catégories (par exemple, Gestion et Scientifique et professionnelle où le taux de participation des anglophones se situe à 73 et 74 p. 100 respectivement), elle devrait continuer de s'efforcer à augmenter la proportion de francophones dans la catégorie Administration (présentement 23 p. 100), et celle des anglophones dans la catégorie Soutien administratif (présentement 61 p. 100) afin de mieux équilibrer la participation globale des deux groupes linguistiques.

La Banque fait preuve d'une réelle volonté de se conformer à l'esprit et à la lettre de la Loi. Un comité consultatif du bilinguisme formé de cadres supérieurs rehausse le prestige du programme, et les services de l'organisme tiennent compte des objectifs en matière de langues officielles dans leurs plans annuels. Les employés sont informés des progrès accomplis par la Banque dans la réalisation de ces objectifs dans un rapport annuel sur le bilinguisme. Un conseiller en bilinguisme s'occupe de promouvoir le programme et effectue également des vérifications spécialisées du rendement linguistique des services.

Nous n'avons reçu aucune plainte fondée contre la Banque du Canada en 1990.

Banque fédérale de développement

En 1990, bien que des progrès aient été réalisés en matière de service au public à la Banque fédérale de développement (BFD), certains problèmes subsistent. Pour ce qui est de la langue de travail, le français n'occupe toujours pas la place qui lui revient dans cet organisme. Les réductions de l'effectif ont maintenu ou accentué certains déséquilibres sur le plan de la participation des francophones au sein de cette société d'État. Dans l'ensemble, cette année, l'analyse des résultats

atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Du point de vue du service au public, la Banque reconnaît 25 de ses 78 succursales comme bureaux à demande importante. En vertu de l'avant-projet de règlement sur le service au public, d'autres bureaux mériteraient d'être réexaminés, notamment ceux des capitales provinciales qui n'ont pas encore de succursales bilingues comme Halifax, Québec et Edmonton. En dépit de nos interventions depuis quelques années, la BFD n'avait pas entrepris le réexamen de son réseau, alléguant l'absence de règlements sur la demande importante. Néanmoins, elle s'est penchée sur les services fournis par sa succursale de Charlottetown afin d'établir des relations avec la communauté francophone. De plus, la Banque a installé, en 1990, environ 400 écriteaux facilitant l'accès aux services dans les succursales où elle reconnaît la demande importante.

Du côté de la langue de travail, bien que des progrès aient été réalisés, certaines faiblesses subsistent, de sorte que le français n'occupe toujours pas la place qui lui revient tant au siège social que dans quelques succursales des régions désignées. Par exemple, même si le français est plus utilisé qu'autrefois au cours des réunions de la direction, les communications internes ne se font pas toujours dans les deux langues, seuls 13 des 20 vice-présidents étant bilingues. De plus, le nombre de surveillants qui satisfont aux exigences de bilinguisme de leur poste est toujours insuffisant (59,4 p. 100).

La BFD a cependant veillé à offrir des cours de formation linguistique aux surveillants encore unilingues occupant des postes bilingues dans des succursales à demande importante et à des unilingues préposés aux services centraux, de même qu'au personnel du siège social et des quatre bureaux régionaux bilingues. Ainsi, en 1990, 304 employés (27,3 p. 100 de l'effectif) ont suivi des cours de langue, 212 de français et 92 d'anglais.

Une contribution financière spéciale du Conseil du Trésor a servi à faire progresser la bilinguisation de certains systèmes informatiques en 1990. Les réalisations portent sur l'acquisition en français et en anglais de logiciels du système du grand livre. La traduction des normes et des manuels d'exploitation de divers systèmes progresse et les travaux sur le système des services juridiques sont terminés. Néanmoins, les calendriers de développement ont été modifiés en raison de changements aux priorités de la Banque. Par exemple, un projet portant sur le guide d'utilisation du système de la paie a été annulé et d'autres semblables ont été reportés.

L'effectif de la Banque se chiffre à 1 112 personnes et se répartit ainsi : 749 anglophones (67,4 p. 100) et 363 francophones (32,6 p. 100). Étant donné le mandat, la clientèle et l'emplacement des bureaux de l'organisme, dont le siège

social est situé à Montréal, le taux de participation des francophones pourrait être augmenté. Notons cependant qu'en dépit d'une réduction de 136 employés au cours du dernier exercice financier, il y a eu une légère augmentation de la proportion des francophones dans chacune des quatre catégories d'emploi de la BFD. Le nombre de cadres francophones est passé de 7 à 10 (soit 10 sur 21 ou 47,6 p. 100 par rapport à 7 sur 18 ou 38,9 p. 100 en 1989). De plus, cinq surveillants ont été embauchés (soit 112 sur 351 ou 31,9 p. 100 comparativement à 30,4 p. 100 en 1989). En Colombie-Britannique, en Alberta, en Saskatchewan, à l'Île-du-Prince-Édouard, à Terre-Neuve et dans les Territoires du Nord-Ouest, il n'y a aucune présence francophone. Comme l'année dernière, nous constatons un déséquilibre au siège social à Montréal où 23 francophones ne forment plus que 38,3 p. 100 des 60 membres de la catégorie Soutien administratif.

En 1990, nous avons enquêté sur 15 plaintes fondées, comparativement à 21 en 1989. Les 13 qui avaient trait à l'utilisation de la presse minoritaire ont mis en lumière les faiblesses de la politique de la Banque à ce chapitre, dans les succursales dont le statut linguistique est remis en question. Les autres plaintes portaient sur les communications téléphoniques et la qualité de la langue d'un communiqué. En règle générale, la Banque a fait preuve d'une bonne collaboration dans le traitement de ces plaintes.

Bureau du Conseil privé

Le Bureau du Conseil privé (BCP) fait généralement bonne figure au chapitre de la langue de service. Le français occupe de plus en plus la place qui lui revient comme langue de travail. La participation globale des anglophones continue d'être faible surtout dans les catégories Soutien administratif et Administration et service extérieur. Les déséquilibres dans un sens ou dans l'autre sont particulièrement regrettables dans les organismes centraux qui se doivent de donner le bon exemple. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas eu tout l'effet attendu depuis sa promulgation en 1988.

Le Bureau du Conseil privé offre ses services dans les deux langues à sa clientèle, bien que celle-ci soit assez restreinte. Ainsi, toute la correspondance tient compte de la langue des destinataires et les services téléphoniques sont disponibles dans les deux langues. L'institution reconnaît par contre qu'elle doit poursuivre ses efforts en vue d'augmenter la capacité bilingue de ses commissionnaires, puisque seulement 12 d'entre eux (sur 28) sont bilingues.

Dans le domaine de la langue de travail, les membres de la haute gestion se sentent libres d'intervenir dans la langue officielle de leur choix durant les réunions. L'institution compte 85 postes bilingues de surveillance. Bien que pratiquement tous les surveillants dépassent les exigences linguistiques de leur poste, 77,6 p. 100

de ces postes n'exige que le niveau intermédiaire de compétence. Cependant, l'organisme est à revoir l'identification linguistique de ces postes afin de donner au français et ce, de façon permanente, la place qui lui revient comme langue de travail. Des contrôles périodiques sont exercés afin que les réunions se déroulent dans les deux langues et que la langue de la correspondance interne soit celle des destinataires. Par contre, à ce jour, les systèmes informatiques ne sont pas tous bilingues. Enfin, le Bureau respecte ses obligations linguistiques auprès des autres institutions fédérales en vertu de l'article 37 de la Loi.

Compte tenu du mandat de l'organisme, de la clientèle qu'il sert et de l'emplacement de ses bureaux, les anglophones sont toujours trop peu nombreux dans l'ensemble : 202 (53 p. 100). C'est notamment dans les catégories Administration et service extérieur (47 p. 100) et Soutien administratif (45,5 p. 100) qu'ils sont en nombre insuffisant.

Aucune plainte fondée n'a été portée contre le Bureau du Conseil privé en 1990.

Bureau du Contrôleur général

Le Bureau du Contrôleur général offre sans difficulté des services bilingues adéquats au public. Il utilise davantage le français dans les réunions interministérielles et les ateliers, et bien que cette langue n'occupe pas encore la place qui lui revient au sein de l'organisme, le Bureau a pris des mesures pour inciter ses employés à s'exprimer dans cette langue. Le taux de participation globale des francophones et des anglophones est généralement équitable, mais les anglophones sont très peu nombreux dans la catégorie Soutien administratif. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

La clientèle du Bureau est surtout composée de gens qui s'intéressent aux méthodes et aux pratiques comptables de l'État pour des raisons professionnelles ou autres. En général, il offre des services d'accueil bilingues, au téléphone et en personne, comme le confirme l'étude menée par le Groupe des services de vérification du ministère des Approvisionnements et Services à laquelle le Commissariat a participé.

En 1990, des mesures vigoureuses ont été prises pour intensifier le recours au français dans les réunions du comité de la haute direction. Cependant, le nombre de titulaires de postes bilingues appartenant à la catégorie Gestion qui ne satisfont pas aux exigences linguistiques de leur poste est passé de 31,1 p. 100 (14 sur 45) en 1989 à 34,8 p. 100 (16 sur 46) cette année. Nous avons constaté une augmentation semblable à l'égard des surveillants (soit 32,4 p. 100 en 1989 contre 35,9 p. 100 cette année). Cette situation a certainement un effet négatif sur l'usage du français en milieu de travail. Toutefois, contrairement à ce que

nous avons dû dénoncer pendant bon nombre d'années, d'importants progrès ont été réalisés en ce qui a trait à l'utilisation du français aux réunions, aux symposiums et aux ateliers sur les pratiques d'évaluation des finances et des programmes, activités auxquelles participent un grand nombre d'employés. En 1990, le Bureau a eu recours à divers moyens pour promouvoir le français (affichage bilingue, services d'accueil et de documentation bilingues, diapositives bilingues accompagnant les exposés, services de traduction simultanée). En outre, nous sommes heureux de constater que le Bureau demande désormais à ses agents et à ses invités de s'exprimer dans les deux langues officielles dans une proportion raisonnable.

Le taux de participation des anglophones est passé de 76,7 p. 100 en 1989 à 69,3 p. 100 cette année, ce qui est encore acceptable étant donné le mandat, la clientèle et l'emplacement des bureaux de l'organisme. Le taux de participation des anglophones est cependant très faible dans la catégorie Soutien administratif (36,8 p. 100) tandis que celui des francophones l'est encore plus dans la catégorie Gestion (18 p. 100), même s'il dépasse celui de 1989 (14,3 p. 100). Nous invitons le Bureau à poursuivre ses efforts pour rendre équitable la participation des deux groupes linguistiques à tous les niveaux.

La haute direction soutient fermement le programme des langues officielles et la petite équipe qui en assure la mise en œuvre a obtenu des résultats généralement satisfaisants. Le degré d'engagement de l'équipe laisse entrevoir des améliorations constantes.

Aucune plainte n'a été déposée contre le Bureau du Contrôleur général en 1990.

Bureau du Vérificateur général

Depuis notre dernière évaluation en 1987, le Bureau du Vérificateur général (BVG) a amélioré la qualité de ses services dans les deux langues officielles. Il lui reste, cependant, quelques problèmes à résoudre au chapitre de la langue de travail et de la participation équitable des deux groupes linguistiques. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas eu l'effet attendu depuis sa promulgation en 1988.

Pour ce qui est du service au public, le BVG s'acquitte très bien de ses responsabilités, grâce à sa grande capacité bilingue (93,9 p. 100 des employés affectés au service au public satisfont aux exigences linguistiques de leur poste), à l'offre active de services dans les deux langues officielles, à la présence de commissionnaires bilingues aux différents points d'accueil des visiteurs et à ses publications toujours bilingues.

Dans le domaine de la langue de travail, malgré l'existence de plusieurs éléments nécessaires pour permettre aux employés de travailler dans la langue de

leur choix, le français n'a pas la place qui lui revient dans cet organisme. Les réunions du conseil de direction se tiennent surtout en anglais. En outre, plus de 25 p. 100 des titulaires de postes affectés à la surveillance ne satisfont pas aux exigences linguistiques de leur poste. De plus, les équipes de vérification n'offrent pas systématiquement leurs services dans les deux langues officielles aux personnes interviewées dans les ministères et organismes vérifiés. Enfin, le bureau régional du BVG à Montréal reçoit encore du siège social à Ottawa de la documentation unilingue anglaise.

Le taux global de participation des francophones et des anglophones se situe à 37,2 p. 100 (230) et à 62,8 p. 100 (388) respectivement. Étant donné le mandat, la clientèle et l'emplacement des bureaux du BVG, le taux de participation des anglophones est un peu faible, surtout dans la catégorie Soutien administratif (43,1 p. 100). Par contre, le nombre de francophones est un peu faible dans la catégorie Gestion (23,1 p. 100), bien que l'on constate une lente mais constante amélioration depuis 1987, alors qu'il se situait à 18,5 p. 100.

Au chapitre de l'administration du programme, soulignons que le Bureau s'apprête à signer un protocole d'entente avec le Conseil du Trésor et que des directives plus précises quant aux responsabilités des gestionnaires en matière de langues officielles seront émises sous peu.

Comme ce fut le cas en 1989, nous n'avons reçu aucune plainte à l'endroit du Bureau du Vérificateur général cette année.

Chemins de fer nationaux

En 1990, les Chemins de fer nationaux (CN) se sont assez bien acquittés de leurs obligations linguistiques en matière de service au public. Par contre, le français n'occupe pas la place qui lui revient dans cet organisme et compte tenu des réductions d'effectif, la Société n'a pas réussi à hausser la faible participation des francophones depuis notre dernière évaluation en 1988. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Étant donné que cette société connaît très bien sa clientèle d'affaires, de loin la plus importante, elle est en mesure de s'acquitter adéquatement de ses responsabilités linguistiques à son égard et ce, malgré la capacité bilingue restreinte de certains de ses bureaux. Pour pallier ses faiblesses, elle a mis en service une ligne téléphonique à l'intention du public francophone à Winnipeg et une autre devait être inaugurée à Toronto à la fin de l'année. Il y a deux ans, elle avait installé une ligne téléphonique sans frais à Moncton. Quant aux quelques plaintes reçues du public cette année, elles concernaient l'affichage et l'absence de publicité dans certains hebdomadaires de langue officielle minoritaire. Le CN a remis à ses gestionnaires des lignes directrices à ce sujet, lesquelles devraient permettre de prévenir ce genre de plaintes à l'avenir.

En ce qui concerne la langue de travail, plusieurs obstacles devront être franchis pour créer un milieu de travail propice à l'usage du français au siège social du CN situé à Montréal. Le français est peu utilisé durant les réunions, à tous les niveaux et dans la majorité des secteurs. Par ailleurs, le niveau de compétence linguistique en langue seconde exigé des surveillants est en cours de réévaluation. Plusieurs des outils de travail qui n'existaient encore qu'en anglais ont été traduits cette année ou sont en voie de l'être. En outre, un comité a été mis sur pied afin de déterminer les mesures à prendre de sorte que la société puisse se conformer aux exigences de la Loi concernant les systèmes informatiques. Le CN a fait connaître, par des sessions d'information et des articles dans ses publications internes, sa nouvelle politique en matière de langue de travail, qui reconnaît enfin le droit de ses employés de travailler dans la langue officielle de leur choix dans les régions désignées bilingues.

L'appartenance linguistique des employés du CN n'est connue que dans 71,1 p. 100 des cas. C'est ainsi que sur 36 956 employés, 19 170 déclarent être anglophones (51,9 p. 100), 7 091 francophones (19,2 p. 100) et 10 695 ou 28,9 p. 100 ne se sont pas encore prononcés. Il nous est donc difficile de tirer des conclusions pertinentes, si ce n'est que la participation francophone au siège social à Montréal, qui est d'environ 30 p. 100, est faible compte tenu du mandat du CN et de l'emplacement de ses bureaux. Par ailleurs, seuls 5 des 29 cadres supérieurs de cette société sont francophones. Nous encourageons fortement le CN à prendre toutes les mesures nécessaires afin de connaître la préférence linguistique de tous ses employés.

L'administration du programme des langues officielles au CN a connu une relance en 1990. Une nouvelle politique a été préparée et diffusée aux gestionnaires, et un comité composé de cinq vice-présidents a été créé afin de superviser l'adoption de plans d'action en matière de langues officielles.

Des 20 plaintes instruites en 1990 au sujet des Chemins de fer nationaux, 11 touchaient le service au public et 9 la langue de travail. Nous avons apprécié l'excellente collaboration du CN dans le cadre de nos enquêtes.

Commission de contrôle de l'énergie atomique

Le rendement de la Commission de contrôle de l'énergie atomique (CCEA) est satisfaisant en matière de service au public, surtout sur le plan des communications écrites. Par ailleurs, bien que la Commission ait pris certaines initiatives dans le domaine de la langue de travail depuis notre dernière évaluation en 1988, le français n'y occupe toujours pas la place qui lui revient. Enfin, la participation des francophones et des anglophones est équitable dans l'ensemble, mais il reste toujours des déséquilibres sectoriels et régionaux importants au Nouveau-Brunskwick. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Au bureau central de la Commission, les services au public sont offerts dans les deux langues officielles, tant dans les communications orales qu'écrites. Cent treize postes (50,2 p. 100) sur 225 sont désignés bilingues et 100 (88,5 p. 100) des titulaires répondent aux exigences linguistiques de leur poste. Dans les régions où l'on retrouve 50 des 225 postes occupés, le service téléphonique est offert directement dans les deux langues officielles au Québec (à Laval et à Gentilly), mais par raccordement seulement avec le bureau central pour les autres bureaux. À l'avenir, tous les permis accordés en conformité avec le Règlement sur le contrôle de l'énergie atomique devraient être affichés dans les deux langues.

Au chapitre de la langue de travail, le comité de la haute gestion fonctionne surtout en anglais. Cependant, nous notons qu'un plan de formation a été mis en place pour permettre d'augmenter les capacités linguistiques des membres du comité. De plus, la faible capacité linguistique des surveillants constitue un obstacle considérable à l'usage du français comme langue de travail. Dans la catégorie Gestion, 15 employés sur 20 sont bilingues et quatre seulement ont atteint le niveau de connaissance prévu. Dans la catégorie Scientifique et professionnel, 14 sur 40 se disent bilingues, mais au niveau intermédiaire seulement. Pour combler cette lacune, la Commission a mis sur pied un plan de formation et de suivi interne afin de hausser le niveau linguistique des surveillants. Des problèmes ont également été signalés quant aux instruments de travail. La Commission reconnaît l'urgence de fournir aux employés des lexiques terminologiques et analogiques bilingues et, bien que des systèmes de traitement de texte soient en place pour les rapports scientifiques, financiers et autres, les manuels et les guides sont disponibles en français sur demande seulement.

Étant donné le mandat de l'institution, sa clientèle et l'emplacement de ses bureaux, la participation globale des anglophones et des francophones est bien équilibrée (77 p. 100 et 23 p. 100 respectivement). Toutefois, il faut souligner des déséquilibres dans les catégories Administration et service extérieur et Soutien administratif, où nous notons une faible participation des anglophones, soit 53 p. 100 et 62 p. 100 dans l'une et l'autre catégories. Au Québec, aucun des employés n'est anglophone et au Nouveau-Brunswick, aucun n'est francophone. La Commission reconnaît que ces déséquilibres sont inacceptables et s'est engagée à prendre les mesures nécessaires pour les corriger.

Une plainte a été déposée contre la Commission de contrôle de l'énergie atomique en 1990.

Commission de la capitale nationale

De toute évidence, la Commission de la capitale nationale (CCN) a largement contribué à donner une image vivante et bilingue à la capitale du pays. C'est sur le plan interne désormais que cet organisme doit accentuer ses efforts afin de donner au français la place qui lui revient comme langue de travail et d'améliorer

le taux de participation des anglophones au sein de sa structure. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Du parc de la Gatineau aux berges du canal Rideau, la CCN se fait connaître dans les deux langues officielles. Près d'un employé sur deux y est bilingue (407 des 845 employés) et les affiches, les publications et les services sont offerts activement dans l'une et l'autre langues. En réponse à nos demandes répétées des dernières années, la CCN fait des efforts soutenus pour obtenir des services bilingues de ses tiers conventionnés. Leurs contrats contiennent tous une clause de bilinguisme et leur compétence linguistique ainsi que leur rendement font l'objet de vérifications. Ces mesures portent fruit puisque nous avons constaté une diminution considérable du nombre de plaintes à l'endroit des contractuels (une seule en 1990). Le service au public a toujours constitué la force de la CCN et elle continue de faire bonne figure dans ce domaine.

Accroître l'usage du français au travail représente en revanche un des défis de taille de la Commission. Bien que la presque totalité de ses instruments de travail soit bilingue et que les réunions du comité exécutif puissent se dérouler dans les deux langues, le faible pourcentage des surveillants qui satisfont aux exigences de leur poste constitue l'un des obstacles importants dans l'utilisation des deux langues au travail. En effet, le pourcentage de ses surveillants bilingues est en chute libre depuis trois ans : de 75 p. 100 qu'il était en 1988, il est passé à 66 p. 100 en 1989 pour n'être plus que de 62,5 p. 100 en 1990. Aussi n'est-il pas étonnant, même si les services centraux et personnels sont largement disponibles dans les deux langues, que le français n'occupe pas la place qui lui revient dans le quotidien, au cours des réunions de travail par exemple. Par ailleurs, à la fin de l'année, la CCN n'avait pas encore déterminé quels systèmes informatiques d'usage courant elle devait rendre disponibles dans les deux langues dès le 1er janvier 1991, selon les exigences de l'alinéa 36(1)*b*) de la Loi.

Au sortir de sa longue réorganisation, la CCN a perdu un nombre important de ses anglophones. En effet, alors que ces derniers constituaient 54,2 p. 100 de l'effectif en 1988, ils n'en représentent plus que 48,4 p. 100 à la fin de 1990. Compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation des anglophones est faible dans l'ensemble de l'institution et il lui faudra déployer de sérieux efforts en cette période de recrutement limité pour redresser la situation.

Nous n'avons reçu que cinq plaintes fondées à l'endroit de la Commission de la capitale nationale en 1990, comparativement à 15 en 1989. Quatre des plaintes concernaient le service au public et l'autre portait sur la langue de travail. La CCN a fait preuve d'une assez bonne collaboration dans le traitement de ces plaintes.

Commission de la fonction publique*

Tout comme en 1989, la Commission de la fonction publique fait bonne figure en matière de service au public et de langue de travail. Cependant, les problèmes de participation équitable des deux groupes linguistiques persistent toujours. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un certain effet depuis sa promulgation en 1988.

En règle générale, la Commission continue de bien s'acquitter de ses responsabilités en matière de service au public. Des faiblesses ont été notées en 1990 sur le plan de l'accueil téléphonique et de la correspondance, mais la Commission a été en mesure de corriger ces situations assez rapidement.

En ce qui concerne les avis de concours, la Commission a adopté une nouvelle politique selon laquelle les annonces de recrutement externe doivent être publiées dans les deux langues officielles sans égard aux exigences linguistiques des postes. De plus, ces annonces doivent être diffusées simultanément en français et en anglais en utilisant des médias permettant de mieux rejoindre les membres de la minorité de langue officielle de la zone de recrutement visée. Nous sommes d'avis que l'approche multi-médias n'est pas applicable aux avis de recrutement. En effet, ces avis tombent selon nous sous le coup de l'article 11 de la Loi, lequel stipule qu'ils doivent paraître dans des publications largement diffusées dans chacune des régions visées : la version française dans au moins une publication d'expression principalement française et son pendant anglais dans au moins une publication d'expression anglaise. Nous avons reçu 16 plaintes à ce sujet cette année, et des pourparlers sont en cours entre nos deux organismes pour régler les problèmes reliés à cette façon de procéder.

En ce qui concerne la langue de travail, le français occupe la place qui lui revient à la Commission. Les réunions du comité de gestion se font dans les deux langues officielles et la grande majorité (90,5 p. 100) des surveillants satisfont aux exigences linguistiques de leur poste. De plus, les employés ont accès à des instruments de travail et aux services centraux dans la langue de leur choix. Soulignons que cette année la Commission compte augmenter le nombre de cours en français qui se donneront dans toutes les régions du Canada. Enfin, les systèmes informatiques ne sont pas tous disponibles en français.

Du point de vue de la participation équitable, compte tenu du mandat de la Commission, de l'emplacement de ses bureaux et de sa clientèle, le taux de participation anglophone nous paraît trop faible (46,7 p. 100), même s'il y a eu une augmentation par rapport à 1989. Il est regrettable de constater des déséquilibres, dans un sens ou dans l'autre, surtout au sein des organismes centraux qui se doivent de donner le bon exemple. Notons que ces données ne comprennent pas les employés du programme de formation linguistique, lequel est constitué d'une très forte proportion de francophones. C'est d'ailleurs toujours dans la catégorie Soutien administratif que la participation anglophone est particulièrement faible : 33,7 p. 100.

Cette année, nous avons reçu 41 plaintes contre la Commission comparativement à 38 en 1989. Au chapitre de la langue de service, on en comptait 27 ayant trait aux médias et à la presse minoritaire, à la correspondance et à l'accueil téléphonique. Quant à la langue de travail, 14 plaintes ont été portées à notre attention. Elles touchaient principalement la formation et les instruments de travail. La Commission a fait preuve d'une excellente collaboration dans le traitement de ces plaintes.

Communications*

En 1990, le ministère des Communications a continué d'offrir au public des services de bonne qualité dans les deux langues officielles. Au chapitre de la langue de travail, on note plusieurs réalisations qui ont permis de créer un environnement de plus en plus propice à l'utilisation des deux langues. En ce qui concerne la participation équitable, il y a toujours cette année une trop faible participation des anglophones dans certaines catégories d'emploi, de même qu'au Québec. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

De façon générale, le public peut s'attendre à recevoir du Ministère des services de bonne qualité dans les deux langues officielles, tant dans les communications écrites qu'orales. D'ailleurs, notre rapport de vérification confirme qu'il y a eu une grande amélioration à ce chapitre au fil des ans. Le Ministère veille à ce que ses préposés affectés aux relations avec le public offrent et assurent la prestation de leurs services dans les deux langues. Parmi les employés qui occupent un poste bilingue desservant le public, 84,6 p. 100 satisfont aux exigences linguistiques de leur poste. Le seul problème que le Ministère n'a pas encore réussi à régler de façon définitive consiste en la piètre qualité du français de certaines inscriptions gouvernementales dans les annuaires téléphoniques. Nous espérons que les mesures de contrôle qu'envisage l'Agence des télécommunications gouvernementales sauront mettre un terme à ces anomalies.

Au chapitre de la langue de travail, le Ministère s'emploie depuis plusieurs années à établir les assises qui doivent permettre aux fonctionnaires des régions désignées d'utiliser la langue officielle de leur choix. En effet, le français est largement utilisé durant les réunions de la haute gestion; on informe les employés et les cadres de leurs droits et de leurs obligations en matière des langues officielles et, dans l'ensemble, les services centraux et du personnel, les cours de formation et de perfectionnement de même que les documents de travail, les notes de service et les circulaires sont disponibles dans les deux langues officielles. Cependant, 22 p. 100 des surveillants ne répondent toujours pas aux exigences de leur poste en matière de bilinguisme, ce qui vient entraver l'utilisation du français comme langue de travail. Notons toutefois, au nombre des

réalisations, que l'organisme met à la disposition des fonctionnaires un service d'appui à la rédaction et de révision de texte ainsi qu'un service de suivi à la formation linguistique visant le maintien de l'acquis et l'amélioration des connaissances linguistiques des participants.

Le taux de participation des anglophones est sensiblement le même qu'en 1989 et, compte tenu du mandat du Ministère, de la clientèle servie ainsi que de l'emplacement de ses bureaux, il est toujours insuffisant dans l'ensemble de l'organisme (63,4 p. 100 des 2 235 employés) de même que dans les catégories Soutien administratif (49,4 p. 100) et Administration et service extérieur (57,1 p. 100). Signalons que la participation des employés francophones dans la catégorie Scientifique et professionnelle atteint maintenant le niveau équitable de 25,5 p. 100. Toutefois, la participation des anglophones au Québec, qui était déjà faible l'an dernier, a diminué de 0,9 p. 100 pour se situer à 5,1 p. 100 cette année.

Le programme des langues officielles atteste encore cette année une bonne gestion. En effet, les objectifs en matière de langues officielles font partie intégrante des programmes opérationnels. Leur mise en œuvre font l'objet de contrôles réguliers et le rendement des gestionnaires à cet égard est évalué annuellement. Les études menées par la direction de la vérification interne comprennent le volet des langues officielles. De plus, le Ministère a signé un protocole d'entente avec le Conseil du Trésor et il se propose d'élaborer des protocoles internes afin de veiller à la réalisation des objectifs en matière de langues officielles.

En 1990, le Ministère a fait l'objet de 12 plaintes, comparativement à 11 l'an dernier. Huit de ces plaintes étaient reliées aux services téléphoniques : cinq mettaient en cause l'accueil et trois autres les inscriptions des services du gouvernement dans les annuaires. Le Ministère a fait preuve d'une bonne collaboration dans le traitement de ces plaintes.

Conseil de la radiodiffusion et des télécommunications canadiennes

Le Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) se distingue encore cette année par la qualité des services qu'il offre à la population canadienne dans chacune des deux langues officielles. Sa grande capacité bilingue le sert bien puisque le français occupe de plus en plus la place qui lui revient comme langue de travail dans la majorité des secteurs. Par contre, le taux de participation des anglophones demeure toujours faible, surtout dans la catégorie Soutien administratif. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Le mandat du CRTC est vaste et la tâche qui lui incombe est de taille puisqu'il lui faut desservir le pays tout entier. En 1989-1990, ses agents ont répondu à plus de 11 000 plaintes, ont traité près de 4 000 demandes et ont entendu 21 audiences publiques et ce, dans les deux langues officielles. Aux termes de sa loi constituante, le CRTC doit publier des avis et des annonces concernant ses audiences. En 1990, il y a eu près de 3 000 parutions dans les grands quotidiens et les hebdomadaires minoritaires. Le Conseil possède une grande capacité bilingue; en effet, plus de 60 p. 100 de l'effectif est bilingue et 75 p. 100 des employés bilingues atteignent les plus hauts niveaux de bilinguisme (supérieur et exemption). Les quatre bureaux régionaux du Conseil offrent tous un accueil bilingue.

Le français occupe de plus en plus la place qui lui revient comme langue de travail au siège social du CRTC. Les réunions du comité de gestion se déroulent dans les deux langues; les surveillants possèdent à peu près tous une bonne connaissance des deux langues; les banques de données informatisées d'usage interne sont désormais entièrement bilingues et les réunions de travail laissent place peu à peu au français. Cette tendance se fait évidemment moins sentir dans les secteurs des télécommunications où les anglophones forment la plus grande part de l'effectif. Le CRTC devra donc continuer de prendre des mesures qui incitent les francophones à travailler dans leur langue. Ainsi, il devra compléter la traduction de ses systèmes informatiques en plus de moderniser et d'augmenter son matériel de formation et de perfectionnement en français.

Du point de vue de la participation équitable, étant donné le mandat de l'organisme, sa clientèle et l'emplacement de ses bureaux, le taux de participation des anglophones est toujours faible (53 p. 100 de l'effectif total). C'est surtout dans les catégories Administration et Service extérieur et Soutien administratif que les anglophones sont peu nombreux puisqu'ils n'occupent que 51 p. 100 et 39 p. 100 des postes, respectivement. Par contre, la présence francophone est faible dans les catégories Gestion et Scientifique et professionnelle (les francophones ne représentent que 13 p. 100 et 11 p. 100 de l'un et l'autre groupes).

Nous avons reçu cinq plaintes fondées à l'endroit du CRTC en 1990. Quatre des plaintes concernaient le service au public et une portait sur la désignation linguistique d'un poste. Le CRTC a fait preuve d'une excellente collaboration dans le traitement de ces plaintes.

Conseil de recherches en sciences naturelles et en génie*

Comme nous l'avons signalé dans les évaluations précédentes et dont la dernière remonte à 1984, le Conseil de recherches en sciences naturelles et en génie offre des services de qualité au public. Cependant, le Conseil devrait s'efforcer davantage de créer un milieu de travail qui soit plus viable pour les francophones. En outre, il existe des inégalités quant à la participation des francophones et des anglophones au Conseil. Dans l'ensemble, cette année, l'analyse des résultats

atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

La clientèle du Conseil, composée de professeurs d'université et d'étudiants diplômés, est satisfaite des services qui lui sont offerts dans les deux langues officielles. En effet, le Conseil fait très bonne figure dans le domaine des publications, de la documentation et de l'affichage. Soulignons que le pictogramme d'offre active du Conseil du Trésor est placé à côté du nom de chaque employé bilingue. Cependant, la situation laisse à désirer quant à l'accueil téléphonique et au caractère bilingue des comités d'évaluation par les pairs.

En ce qui a trait à la langue de travail, le français n'occupe toujours pas la place qui lui revient. Les réunions de la haute direction se déroulent rarement en français bien que, conformément à la politique établie, les procès-verbaux soient rédigés dans la langue parlée par les intervenants et les publications issues de ces réunions paraissent dans les deux langues officielles. Plus de la moitié des employés francophones interviewés dans le cadre d'une récente vérification ont déclaré que leurs supérieurs ne s'adressaient pas toujours à eux en français. Et même si, en général, ils ont accès à des instruments de travail dans leur première langue officielle, très peu de réunions se déroulent en français. En outre, les systèmes informatiques ne sont pas tous disponibles dans les deux langues.

Le Conseil compte un nombre égal d'employés anglophones et francophones. Compte tenu du mandat du Conseil, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation des anglophones est trop faible, surtout dans la catégorie Administration et service extérieur (60,8 p. 100 ou 45 des 74 employés) de même que dans la catégorie Soutien administratif (34,6 p. 100, soit 28 sur 81). Toutefois, les francophones sont sous-représentés dans la catégorie Gestion, où ils n'occupent que 20 p. 100 des postes (3 sur 15).

L'absence de politique globale sur les langues officielles et, par conséquent, de surveillance efficace, caractérise l'administration de son programme. Il est manifeste que le Conseil a encore fort à faire pour en garantir le succès.

Aucune plainte n'a été déposée contre le Conseil en 1990.

Conseil de recherches médicales du Canada

Notre rapport de suivi de vérification, publié cette année, faisait état d'une amélioration continue de la situation qui règne au secrétariat du Conseil de recherches médicales pour ce qui est de l'utilisation des langues officielles. Le Conseil ne compte qu'un bureau, à Ottawa, et les services qu'il offre sont, activement et adéquatement, offerts en français et en anglais. En ce qui a trait à la langue de travail, le français commence à occuper la place qui lui revient de

droit, puisque le degré de bilinguisme des surveillants s'est amélioré depuis 1989. Qui plus est, le problème observé précédemment pour ce qui est du faible taux de participation des anglophones va en s'atténuant. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Grâce à la capacité bilingue de son secrétariat (84,6 p. 100 des employés qui occupent un poste bilingue satisfont aux exigences linguistiques de leur poste ou les dépassent) et au fait que les services sont activement offerts dans les deux langues officielles (utilisation du symbole du Conseil du Trésor indiquant des services offerts dans les deux langues officielles, affichage bilingue et services d'accueil en personne et par téléphone offerts dans les deux langues officielles à tous les numéros que peuvent composer des clients ou le public), le Conseil satisfait aux exigences de la Loi en ce qui a trait aux services offerts au public. Par ailleurs, le Conseil maintient un service de révision et de contrôle de la qualité de la correspondance, et toutes ses publications sont bilingues et distribuées simultanément dans les deux langues officielles.

Les 19 recommandations qui figuraient dans notre rapport de vérification de 1987 ont toutes été totalement ou partiellement mises en œuvre. Pour ce qui est de la recommandation concernant le degré de bilinguisme des membres des comités d'examen par les pairs et des examinateurs de l'extérieur, sa mise en œuvre va bon train.

En ce qui a trait à la langue de travail, le comité de gestion du secrétariat fonctionne aussi bien en français qu'en anglais. Du côté de la surveillance, le degré de bilinguisme s'est amélioré depuis en 1989. Cette année, 14 des 17 titulaires de postes de surveillance sont bilingues et 12 des 14 titulaires de ces postes, comparativement à 10 l'an dernier, satisfont aux exigences linguistiques de leur poste. De plus, les évaluations du rendement sont fournies sur demande dans l'une ou l'autre des deux langues officielles. La plupart des instruments de travail sont bilingues et la capacité bilingue est élevée tant aux services centraux qu'aux services du personnel. Toutefois, on a observé certaines lacunes dans la préparation en français des manuels de l'utilisateur de plusieurs systèmes informatiques du Conseil; les coûts, les fréquents changements apportés à ces documents et la réduction des ressources disponibles pour cette activité sont les principales raisons invoquées par le Conseil pour expliquer le non-respect par son secrétariat de toutes les exigences de la Loi. Dans l'ensemble, le milieu de travail est de plus en plus propice à l'utilisation des deux langues : il est maintenant plus facile pour les employés de travailler et de tenir des discussions dans la langue officielle de leur choix.

Compte tenu du mandat du Conseil, de sa clientèle et de l'emplacement de son bureau, le taux de participation des anglophones est un peu faible (63,8 p. 100), mais il a sensiblement augmenté depuis 1989 (55,2 p. 100). Dans la catégorie

Soutien administratif, le taux de participation des anglophones est équitable; de 48 p. 100 qu'il était en 1989, il est passé à 65,7 p. 100 cette année.

L'administration du programme des langues officielles présente un caractère moins officiel au sein du Conseil qu'au sein d'autres organismes plus imposants, mais toutes les exigences essentielles sont respectées. Toutefois, la politique du Conseil en matière de langues officielles et la brochure qui a été remise aux employés à ce sujet devraient être revues à la lumière de la nouvelle Loi.

En 1990, le Conseil de recherches médicales n'a fait l'objet d'aucune plainte. Dans l'ensemble, les efforts du Conseil sont louables.

Conseil du Trésor

Le Secrétariat du Conseil du Trésor a continué, en 1990, d'offrir à son public des services de qualité dans les deux langues officielles. Cependant, d'autres améliorations doivent être apportées aux chapitres de la langue de travail et de la participation. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas encore eu tout l'effet attendu depuis sa promulgation en 1988.

Le Secrétariat du Conseil du Trésor a continué de bien s'acquitter de ses responsabilités linguistiques en matière de service au public. Des progrès ont été réalisés concernant l'accueil bilingue offert par les commissionnaires et les services dispensés au nom du Secrétariat par des tiers, tels que la société Great West qui administre le régime d'assurance-dentaire de la fonction publique, ont été améliorés.

Au chapitre de la langue de travail, le français n'occupe pas la place qui lui revient au sein du Secrétariat. Bien que plus de 50 p. 100 des cadres aient atteint le niveau supérieur de connaissances linguistiques et que les réunions du comité de gestion se déroulent dans les deux langues, les réunions de travail internes ont, quant à elles, souvent lieu en anglais seulement. Par ailleurs, un fort pourcentage (22,3 p. 100) des titulaires de postes bilingues affectés à la surveillance ne satisfont pas aux exigences linguistiques de leur poste et la grande majorité des notes de service ne sont diffusées qu'en anglais. De plus, on a retardé de quelques mois le sondage interne qui devait servir à déterminer les principaux obstacles à l'usage du français comme langue de travail. Enfin, le Secrétariat devrait toujours s'assurer que la préférence linguistique des participants est respectée en tout temps au cours des présentations faites devant les autres fonctionnaires.

Des 631 employés du Secrétariat, 398 (63,1 p. 100) sont anglophones et 233 (36,9 p. 100) sont francophones. Compte tenu de son mandat, de l'emplacement de ses bureaux et de sa clientèle, le taux de participation des anglophones

est insuffisant dans la catégorie Soutien administratif (33,1 p. 100). Par contre, dans la catégorie Gestion, le taux de participation des francophones s'établit à 21,8 p. 100 en 1990 (en 1986 il était de 24,4 p. 100). Les déséquilibres dans un sens ou dans l'autre sont particulièrement regrettables dans les organismes centraux qui se doivent de donner le bon exemple, notamment la participation à la Direction des langues officielles (74 p. 100 des francophones) qui devrait être mieux équilibrée.

Huit plaintes fondées mettaient en cause le Secrétariat cette année, comparativement à 16 l'an dernier. Six touchaient la langue de service, une, la langue d'une réunion interministérielle et la dernière, la tenue d'un concours de dotation. Le Secrétariat a fait preuve d'une bonne collaboration dans le traitement de ces plaintes.

Consommation et Corporations

En 1990, Consommation et Corporations Canada a continué à offrir au public un service satisfaisant dans les deux langues officielles. Au chapitre de la langue de travail, le Ministère a réalisé des progrès pour ce qui est de rendre le milieu de travail plus propice à l'utilisation du français. Toutefois, étant donné le mandat, la clientèle et l'emplacement de ses bureaux, le taux de participation des anglophones est encore faible au sein du Ministère, surtout au Québec et dans la catégorie Soutien administratif. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Comme en 1989, Consommation et Corporations Canada se tire bien d'affaire au chapitre de la prestation de services dans les deux langues officielles. L'affichage, le service d'accueil au téléphone, les publications et les services d'inspection sont bilingues. Des vérifications ayant trait au service téléphonique et aux services bilingues annoncés par le symbole du Conseil du Trésor ont confirmé que le Ministère respecte les politiques gouvernementales. Par ailleurs, une erreur s'est glissée lors de l'examen d'agent de brevets tenu à Montréal : la documentation accompagnant l'examen était disponible dans les deux langues officielles, mais le Ministère a négligé de fournir les deux versions aux candidats.

Cette année encore, l'analyse de 114 plaintes nous permet de déterminer que la portée des lois sur l'étiquetage relevant du Ministère est trop restreinte pour répondre aux exigences de l'article 26 de la *Loi sur les langues officielles* de 1988 en matière de santé et de sécurité. Comme en 1989, nous incitons le Ministère à réviser les lois et les règlements qu'il administre afin d'assurer une meilleure protection au public canadien dans ce domaine, à continuer de collaborer avec d'autres ministères à la mise à jour de textes législatifs semblables et de veiller à l'application efficace des lois et des règlements en vigueur.

En 1990, Consommation et Corporations Canada a pris des mesures afin de créer un climat de travail plus propice à l'utilisation des deux langues officielles. Le comité de la haute direction se sert du français et de l'anglais dans le cadre de ses activités. Sur le plan de la surveillance, le pourcentage des employés qui satisfont aux exigences linguistiques de leur poste a augmenté de 82 à 84 p. 100 et celui des employés dont la compétence linguistique correspond au niveau supérieur est passé de 21 à 24 p. 100. À toutes fins pratiques, le niveau minimal (A) a été éliminé. En outre, le Ministère a maintenant pour politique de rédiger l'évaluation du rendement des employés dans leur première langue officielle. Comme convenu en 1989, un lexique a été établi pour les employés du Bureau de la politique de concurrence. En outre, un plan d'action concernant l'utilisation des systèmes informatiques sera bientôt diffusé et des programmes de suivi de la formation linguistique adaptés aux besoins des clients, tels les cadres supérieurs et les employés de laboratoire, ont été mis en œuvre.

Dans l'ensemble, le taux de participation reste fondamentalement le même que l'an dernier, soit 38 p. 100 et 62 p. 100 respectivement pour les francophones et les anglophones. Compte tenu du mandat, de la clientèle et de l'emplacement des bureaux du Ministère, le taux de participation anglophone est faible, particulièrement au Québec, où il s'établit à 6,5 p. 100, et dans la catégorie Soutien administratif, où le taux est passé de 51,6 p. 100 qu'il était en 1989 à 48 p. 100 cette année. La participation des anglophones est également peu élevée dans la région de la capitale nationale (46 p. 100) et dans la catégorie Administration et service extérieur (60 p. 100).

Nous avons reçu 119 plaintes fondées contre le Ministère cette année comparativement à 33 en 1989 : 114 concernaient l'étiquetage des produits de consommation. Le Ministère collabore pleinement avec notre bureau dans le traitement de ces dossiers.

Défense nationale

En 1990, le ministère de la Défense nationale a réalisé des progrès en ce qui a trait au service au public, mais les problèmes systémiques signalés par les années passées subsistent. Nous devons également souligner, une fois de plus, que le français n'occupe toujours pas la place qui lui revient comme langue de travail au sein du Ministère et que les déséquilibres qui existent depuis longtemps quant à la participation n'ont pas encore été redressés. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un certain effet depuis sa promulgation en 1988.

Au chapitre du service au public, nous croyons que le Ministère limite indûment la portée des services prévus à la Partie IV de la Loi en excluant les familles des militaires de la définition de « public servi ».

Cette année encore, nous devons signaler de graves problèmes relatifs à la capacité des Forces canadiennes et du Ministère d'offrir des services dans les deux langues officielles. En effet, 58,2 p. 100 des titulaires de postes militaires bilingues et 28,1 p. 100 des titulaires de postes civils bilingues qui servent le public ne satisfont pas aux exigences linguistiques de leur poste. Nous exhortons le Ministère à prêter à ce problème de longue date l'attention qu'il mérite et à prendre les dispositions nécessaires pour le régler.

Parmi les réalisations les plus remarquables de l'année dans le domaine du service au public, il convient de mentionner la campagne de relations publiques orchestrée par les Forces canadiennes lors des opérations militaires qui se sont déroulées à Kahnasatake et à Kanewake l'été dernier. Tout au long de la crise, tous les officiers, du chef d'état-major de la défense, le général De Chastelain, en passant par le commandant de la Force mobile, le lieutenant-général Foster, jusqu'aux autres officiers qui ont été mêlés à cette affaire, ont tenu des séances d'information dans les deux langues officielles pour les membres des médias et du public. Dans l'ensemble, l'« opération Salon » a permis aux Forces canadiennes de prouver qu'elles étaient capables d'intégrer les exigences en matière de langues officielles dans leurs priorités opérationnelles.

Nous voudrions également souligner que le Centre médical de la Défense nationale à Ottawa a pris des mesures lui permettant de traiter les membres actifs des Forces canadiennes ainsi que ses autres patients dans les deux langues officielles. Nous tenons à louer les efforts que le Ministère a déployés pour que ce centre médical puisse fournir des services dans les deux langues.

En ce qui a trait à la langue de travail, les délibérations du comité de gestion de la Défense se déroulent et sont consignées dans la langue de l'intervenant, tandis que les réunions du comité exécutif se tiennent en français 20 p. 100 du temps. Cependant, la surveillance des employés n'a pas toujours lieu dans la langue officielle de leur choix, ce qui limite beaucoup l'usage du français au travail. Seuls 43,8 p. 100 des officiers et 36,7 p. 100 des militaires du rang des Forces canadiennes satisfont aux exigences linguistiques de leur poste, comparativement à 70,9 p. 100 des employés civils.

Étant donné les problèmes systémiques qui existent dans le secteur de l'instruction, le français n'occupe pas la place qui lui revient comme langue de travail. En vertu de la politique du Ministère, l'instruction initiale doit être offerte dans les deux langues officielles. Or, les cours de formation professionnelle militaire aux niveaux plus avancés sont rarement dispensés en français. Des quelque 1 700 cours professionnels offerts, seulement 114 ou 7 p. 100 sont disponibles dans les deux langues officielles. La situation a même régressé par rapport à 1989, alors que 136 cours étaient donnés en français. Le manque d'instructeurs qualifiés pour dispenser la formation nécessaire en français est une des sources de ce problème.

Dans les Forces canadiennes, le concept des unités de langue française, de langue anglaise ou bilingues existe encore. Toutefois, étant donné le faible pourcentage d'anglophones adéquatement bilingues (environ 20 p. 100) au sein des unités bilingues, il devient pratiquement impossible pour les francophones de travailler dans la langue de leur choix au sein de ces unités. Il en est de même pour les unités francophones qui veulent fonctionner dans leur langue lorsqu'elles ont affaire à des unités bilingues. Nous exhortons le Ministère à rectifier cette situation dans les meilleurs délais.

En revanche, le Ministère a de nouveau parrainé avec succès cette année un salon du livre français mettant en vedette les publications de nature scientifique, technique ou militaire.

Compte tenu du mandat du Ministère, de sa clientèle et de l'emplacement de ses bureaux, la participation des francophones (27,2 p. 100) et des anglophones (72,8 p. 100) chez les militaires est équitable. Il existe toutefois des disparités au sein de certains commandements, dans certaines occupations et à certains niveaux de gestion. Les francophones ne constituent que 16,5 p. 100 de l'effectif du Commandement maritime et 21,7 p. 100 de l'ensemble des officiers généraux. Le pourcentage de francophones aux grades allant de major à colonel reste faible. Nous notons toutefois des progrès modestes, la proportion de francophones étant passée de 13,8 à 15,3 p. 100 au grade de lieutenant-colonel et de 13,9 à 14,4 p. 100 à celui de colonel. Chez les civils, le taux global de participation des francophones est faible (20,5 p. 100), situation essentiellement attribuable à l'emplacement géographique des installations de la Défense. C'est dans la catégorie Gestion, où les francophones n'occupent que 14,4 p. 100 des postes, que l'écart est le plus notable.

Cette année, le Vérificateur général du Canada a fait état de la mise en œuvre du programme des langues officielles par le ministère de la Défense nationale. Ses préoccupations touchaient le corps des officiers bilingues, le programme de tests de langue et le calendrier de formation linguistique. Nous avons l'intention de suivre ces dossiers de près en 1991.

L'administration du programme est encore en voie de rationalisation cette année, car les différents commandements des Forces canadiennes préparent des plans sectoriels en vue d'intégrer les buts et les objectifs liés aux langues officielles dans leurs opérations. Cet exercice fait partie du Plan principal d'application échelonné sur quinze ans dont nous avons fait état l'an dernier.

Nous avons reçu 93 plaintes fondées en 1990 comparativement à 97 en 1989. De ce nombre, 31 concernaient le service au public, 32 portaient sur divers aspects de la langue de travail et 30 étaient liées à la gestion du programme aux termes de l'article 91 de la Loi. Le Ministère a fait preuve d'une bonne collaboration

dans le traitement de ces plaintes. Cette année, nous avons amorcé ou achevé 20 enquêtes officielles sur place, dont la plupart avaient trait à la langue de travail. Ces enquêtes sur le terrain nous ont permis non seulement de faire valoir les droits linguistiques des particuliers mais aussi d'inciter le Ministère à apporter des changements systémiques au programme.

Emploi et Immigration*

En 1990, la Commission de l'emploi et de l'immigration du Canada, qui compte de nombreux bureaux dans tout le pays, a continué de bien s'acquitter de ses responsabilités en matière linguistique pour ce qui concerne le service au public. Toutefois, tous les bureaux au service de groupes linguistiques minoritaires identifiables n'ont pas été désignés bilingues, bien que des progrès aient été accomplis dans certains points de service. Les droits des employés en matière de langue de travail ne sont pas entièrement respectés dans les régions désignées et le faible taux de participation des anglophones au Québec demeure à toutes fins utiles inchangé par rapport à celui des années précédentes, la Commission n'ayant pas réussi à améliorer cette situation de manière significative. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Bien que la Commission ait eu sa part de difficultés dans le secteur du service au public, ce que corroborent les 127 plaintes reçues à ce sujet en 1990, les employés connaissent généralement l'existence de la Loi et offrent les services dans la langue officielle choisie par le client, dans la plupart des bureaux où la demande est importante. Les services bilingues ont été améliorés dans les régions où cela s'était révélé évidemment nécessaire. Le Centre d'emploi du Canada (CEC) d'Oshawa, en Ontario, est un cas d'espèce. La Commission avait élaboré un plan en prévision de l'avant-projet de règlement récemment déposé et concernant le service au public, mais elle n'avait pas jugé à propos de désigner d'autres centres comme étant des bureaux où la demande est importante.

L'insuffisance des services bilingues dans les centres de Charlottetown, de Halifax-Dartmouth et de Portage-la-Prairie a entraîné des difficultés attribuables à des dispositions administratives qui se sont révélées inefficaces. Le règlement à venir portant sur le service au public obligera la Commission à réévaluer les services bilingues offerts dans de nombreuses régions du pays. Les recommandations exemplaires du groupe de travail sur les services bilingues en Ontario devraient aider la Commission à améliorer la qualité de ses services dans cette province et à répondre mieux aux exigences de la Loi.

Un rapport de la Commission, faisant suite à une enquête téléphonique portant sur l'accueil, le transfert des appels et la prestation des services dans les deux langues officielles, révèle que des résultats positifs ont été obtenus dans les

bureaux où la demande est jugée importante, dans la région de la capitale nationale (RCN) et à l'administration centrale. Des améliorations continuent d'être apportées au logiciel de traduction du système informatisé de fiches d'emploi de la Commission et, malgré la persistance de difficultés importantes, on continue d'augmenter le lexique et d'offrir au personnel utilisateur des cours d'appoint. Les offres d'emploi traduites par ordinateur font de plus en plus l'objet d'une révision soignée avant d'être affichées et le système a été étendu à 200 centres d'emploi locaux. D'autres mesures devront être adoptées en vue de sensibiliser les employés à l'importance de l'offre active et du respect des droits des minorités de langue officielle, pour ce qui concerne les communications écrites destinées au public. De plus, dans les cas où il est indispensable d'avoir recours à des dispositions administratives pour assurer des services dans les deux langues officielles, la Commission devrait s'assurer que ces mesures sont bien comprises et appliquées à la lettre par les employés.

La Commission a décrit dans le détail sa politique sur la langue de travail à son personnel et la haute direction ainsi que les surveillants ont été mis au courant des objectifs qu'ils doivent poursuivre à cet égard. La Commission encourage les membres de la haute direction à faire l'usage du français au cours de leurs réunions à l'administration centrale; l'usage du français y est effectivement plus fréquent. La Commission a, en outre, réussi à améliorer la compétence linguistique de ses surveillants en leur offrant des cours de perfectionnement. Toutefois, notre rapport de vérification concernant la région du Québec révèle que les anglophones des régions désignées doivent, pour la plupart, utiliser leur seconde langue officielle dans l'exercice quotidien de leurs activités professionnelles. Au Québec, les communications internes et les réunions du personnel se tiennent en français seulement. Les cours de formation professionnelle sont offerts dans une seule langue, et le droit des anglophones à la formation professionnelle dans leur première langue officielle est restreint. Certaines séances de formation et certaines réunions « nationales » se déroulent en anglais seulement, lorsqu'elles ont lieu à l'extérieur du Québec. Les résultats de l'étude sur la langue de travail effectuée par la Commission en 1990 (qui dorénavant sera reprise chaque année), tout comme ceux de l'étude réalisée par le groupe de travail de la région de l'Ontario, devraient permettre à la Commission de trouver des moyens plus efficaces de promouvoir l'usage des deux langues officielles comme langues de travail.

Dans l'ensemble, les taux de participation demeurent constants : les employés anglophones constituent 66,6 p. 100 de l'ensemble du personnel de la Commission et les francophones, 33,4 p. 100. Compte tenu du mandat de la Commission, de sa clientèle et de l'emplacement de ses bureaux, ces proportions semblent équitables, puisque près de 30 p. 100 de ses employés travaillent au Québec et près de 12 p. 100 se trouvent dans la RCN. Bien que la participation des deux groupes linguistiques soit équitable dans la plupart des catégories professionnelles, il faut souligner une exception : le faible taux de participation (40,3 p. 100) des anglophones à la catégorie Soutien administratif dans la RCN. En outre, la

participation des anglophones au Québec demeure elle aussi insuffisante, ceux-ci ne représentant que 3 p. 100 de l'ensemble du personnel. Concrètement, peu de progrès a été enregistré au cours des six années écoulées depuis que le Commissaire a recommandé l'adoption de mesures dans ce domaine.

Le plan de la Commission en matière de langues officielles traite de la plupart des dispositions de la Loi; il figure dans les Lignes directrices du président et, comme il fait partie du processus de planification ministérielle, il fait l'objet de mises à jour. Même si la Commission a considérablement amélioré sa politique des langues officielles en vue de la rendre conforme à la Loi de 1988, les changements apportés n'ont pas été communiqués au personnel, étant donné l'absence de règlement. Il s'ensuit que les employés sont peu sensibilisés à certains aspects importants de la nouvelle Loi, comme le confirment notre rapport de vérification du Québec et les enquêtes menées dans diverses provinces à la suite des plaintes reçues.

Cette année, nous avons reçu 138 plaintes fondées, en comparaison de 130 en 1989. Des 128 plaintes qui portaient sur le service au public, 41 avaient trait aux conversations téléphoniques, 33 aux entretiens en personne et 19 aux communications écrites. Les plaintes, qui proviennent en grande partie de la Nouvelle-Écosse et du Québec, indiquent que le choix du client en matière de langue n'est pas toujours respecté dans la correspondance et lors des réunions tenues par les fonctionnaires de la Commission. D'autres plaintes ont permis de constater l'insuffisance des services bilingues, notamment en ce qui a trait à l'offre active, dans des centres d'Immigration Canada à Dorval, à Toronto et à Vancouver, et font ressortir la nécessité d'une surveillance accrue de la part de la Commission. Nous avons reçu quatre plaintes portant sur la langue de travail et une seule sur la participation équitable. L'administration centrale et les bureaux régionaux de la Commission nous ont apporté toute leur collaboration dans le traitement de ces plaintes.

Énergie atomique du Canada Limitée*

La vérification linguistique effectuée depuis l'évaluation de 1989 confirme que la société Énergie atomique du Canada Limitée s'acquitte assez bien de ses obligations en matière de service au public, en particulier en ce qui a trait à la documentation écrite. Pour ce qui est de refléter la dualité linguistique du Canada à l'échelle nationale et internationale, toutefois, les résultats sont inégaux. Au chapitre de la langue de travail, la Société se trouve toujours à la case départ, le français étant aussi peu utilisé qu'en 1989. Par ailleurs, comme la participation francophone est demeurée à 6 p. 100, la Société devra déployer des efforts considérables en vue de remédier à ce déséquilibre. Il faut souligner, néanmoins, que dans le cadre de la réorganisation d'envergure qu'elle a entreprise, la société révise aussi son programme des langues officielles. Dans l'ensemble, cette

année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

En matière de service au public, la Société a réussi à maintenir au fil des ans la haute qualité de ses publications bilingues à l'intention des spécialistes comme de la population en général. De plus, les établissements de recherche de Whiteshell et de Chalk River offrent un programme bien organisé de visites guidées (8 511 visiteurs, dont 1 453 francophones, en 1989, au seul établissement de Chalk River) dans les deux langues officielles.

Bien qu'elle joue un rôle de premier plan sur la scène nationale et internationale, il arrive souvent que la Société ne reflète pas la dualité linguistique du Canada, par exemple à l'occasion de foires commerciales ou de conférences, ou encore dans le cadre de transactions commerciales. En outre, l'application inégale de l'article 28 de la Loi concernant l'offre active de services, en particulier au bureau des Opérations CANDU à Montréal où elle est pratiquement nulle, nuit également à la qualité du service au public.

L'unilinguisme des comités de haute direction restreint l'usage du français comme langue de travail au sein de la Société. Mais, cette année encore, c'est avant tout la très faible capacité bilingue du personnel chargé de la surveillance qui fait problème à ce chapitre : au siège social, 20 surveillants sur 30 ne satisfont pas aux exigences linguistiques de leur poste, alors qu'à celui de la Société de recherche la proportion est de 18 sur 26. À Montréal, plus de la moitié des employés francophones se rapportent à des surveillants unilingues anglais. De plus, les services centraux sont rarement disponibles dans les deux langues officielles (c'est le cas en particulier au siège social des Opérations CANDU).

En dépit du fait que 92 p. 100 des employés travaillent dans des régions où la seule langue est l'anglais, il est inacceptable que le taux de participation global des francophones soit demeuré à 6 p. 100 compte tenu de la vocation des bureaux. Au bureau des Opérations CANDU à Montréal, la proportion de francophones, 46 p. 100, est insuffisante. Cet état de choses a de quoi surprendre, étant donné que la Société a accès, pour recruter des francophones, aux diplômés de la plus importante école de génie du Canada, l'École polytechnique de Montréal. Dans la catégorie Soutien administratif au bureau des Opérations CANDU, la participation francophone n'est que de 16 p. 100. À la Société de recherche, les francophones ne forment pas plus de 2 p. 100 de l'effectif de la catégorie Gestion. Par contre, la participation des anglophones est faible au sein de la catégorie Soutien administratif au siège social d'Ottawa (58 p. 100).

Énergie atomique du Canada Limitée est aux prises avec de sérieux problèmes pour ce qui est de l'administration du programme des langues officielles : intégration insuffisante dans les activités; confusion quant à la désignation des profils linguistiques des postes; procédures inadéquates d'évaluation des

compétences linguistiques; et taux élevé d'absentéisme dans le cadre de la formation linguistique. Des résultats aussi peu reluisants ne peuvent que restreindre la capacité de satisfaire aux exigences de la Loi.

En 1990, aucune plainte n'a été déposée contre la Société comparativement à une en 1989.

Énergie, Mines et Ressources

En 1990, le ministère de l'Énergie, des Mines et des Ressources (EMR) a su maintenir un service convenable au public dans les deux langues officielles. Bien que le français n'y occupe toujours pas la place qui lui revient, le Ministère a pris certaines mesures afin d'encourager l'usage du français au travail. La participation des deux groupes linguistiques est demeurée équitable au sein du Ministère. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Le siège social du Ministère offre un bon service dans les deux langues officielles. À son centre de vente de cartes topographiques, il offre activement ses produits dans les deux langues et les services au comptoir sont bilingues. Par ailleurs, à la suite de la fermeture des bureaux d'administration des programmes dans les régions, un système de raccordement permet de transférer au siège social du Ministère les quelque 400 demandes de renseignements qui arrivent quotidiennement.

Au chapitre de la langue de travail, le comité de la haute gestion fonctionne très bien dans les deux langues officielles. Il utilise et le français et l'anglais dans la documentation comme au cours de ses discussions. Toutefois, bien qu'il y ait eu une augmentation de 6 p. 100 dans le nombre de surveillants répondant aux exigences linguistiques de leur poste, par rapport à l'an dernier, ce taux est toujours trop faible (69 p. 100), de sorte que le français n'occupe pas la place qui lui revient comme langue de travail.

Cependant, le Ministère a entrepris des initiatives qui démontrent une volonté croissante de créer un climat plus favorable à l'utilisation du français. Par exemple, un sous-ministre adjoint a formé un comité des langues officielles qui se réunit tous les trois mois. Dans un autre secteur, on diffuse deux fois par mois une circulaire intitulée « Encourageons le français au travail »; ailleurs, on offre un service d'aide à la rédaction et un centre de ressources pour autodidactes. Le Ministère élabore en ce moment une politique relative aux systèmes informatisés et il négocie avec une société privée la traduction d'un logiciel utilisé par la haute gestion, démarche qui sera sans doute adoptée par d'autres services.

Étant donné le mandat de l'organisme, la clientèle servie et l'emplacement de ses bureaux, le taux global de participation des francophones est équitable (27 p. 100). Cette année, le Ministère a augmenté de 17,5 p. 100 à 19 p. 100 le taux de participation des francophones dans la catégorie Scientifique et professionnelle. Par ailleurs, pour équilibrer la participation au sein de cette catégorie, le Ministère s'est engagé à embaucher des candidats francophones, à court et à long terme. Cette initiative est très importante étant donné la vocation scientifique du Ministère. La participation francophone a aussi augmenté dans la catégorie Gestion, soit de 20 à 21 p. 100. Quant aux anglophones qui ne constituent que 5 p. 100 des employés au Québec, leur taux de participation est faible.

Le nombre de plaintes fondées déposées contre le ministère de l'Énergie, des Mines et des Ressources diminue continuellement : 18 en 1988, 16 en 1989 et 9 en 1990. Le Ministère a bien collaboré avec le Commissariat dans le traitement de ces plaintes.

Environnement*

Au ministère de l'Environnement, l'année 1990 fut une année de progrès dans plusieurs domaines. En effet, le Ministère a su améliorer la prestation de ses services au public dans les deux langues officielles, notamment dans les parcs de l'Ouest. Nous constatons avec satisfaction que le Ministère a pris d'heureuses initiatives et que la haute gestion s'est engagée à accorder au français la place qui lui revient, dans les régions désignées, à titre de langue de travail. Cependant, la participation des deux collectivités de langue officielle au sein du Ministère accuse toujours un certain déséquilibre. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Dans l'ensemble, les services dispensés au public par les diverses unités du Ministère le sont dans les deux langues officielles, dans les communications orales et écrites. À ce sujet, précisons que le Ministère a accepté notre suggestion d'inclure dans ses rapports unilingues à diffusion restreinte une mention indiquant aux lecteurs qu'il ferait traduire le document, si la demande le justifiait. De plus, il nous fait plaisir de signaler que le Service canadien des parcs a pris les mesures requises pour améliorer la prestation de ses services aux visiteurs dans les deux langues officielles.

En effet, à la suite de nos vérifications des parcs nationaux et des lieux historiques, nous remarquons que la grande majorité des points de service aux visiteurs affichent le panneau annonçant la disponibilité des services dans les deux langues officielles. Cependant, l'accueil bilingue par les préposés affectés à ces endroits ne se fait de façon régulière que dans les parcs et les sites de la région de l'Atlantique. Les services en personne sont généralement disponibles en

français et en anglais aux centres d'interprétation et aux centres de renseignements des divers sites. Malgré certaines difficultés relevées à quelques postes de péage, nous avons constaté une grande amélioration à ce chapitre, notamment au parc national de Banff où le Ministère a érigé au-dessus de la route un grand panneau électronique indiquant aux automobilistes la voie qu'ils doivent emprunter afin de se diriger vers le kiosque offrant le service dans les deux langues officielles. De plus, les plans d'action quinquennaux élaborés par le Ministère en 1989 en vue de remplacer les panneaux routiers unilingues anglais dans ses parcs ont déjà commencé à être mis en œuvre, donnant un caractère bilingue à bien des sites.

Pour ce qui est de la langue de travail, les ordres du jour et les procès-verbaux des réunions du conseil de gestion ministériel ainsi que ceux des comités de gestion des différents services sont généralement établis dans les deux langues officielles et on invite les participants à s'exprimer dans la langue officielle de leur choix. Ces démarches de la haute gestion auront sans aucun doute un effet d'entraînement au sein du Ministère. Signalons également que le taux des surveillants qui satisfont aux exigences des postes bilingues se situe maintenant à 85 p. 100, soit une augmentation de 3,6 p. 100 comparativement à l'an dernier. De plus, l'organisme a modifié son formulaire d'évaluation du rendement afin de permettre aux employés des régions désignées d'y indiquer leur préférence linguistique.

En ce qui a trait aux instruments de travail et aux documents, ils sont généralement émis en version finale dans les deux langues officielles. Les cours de formation et de perfectionnement de même que les services centraux et du personnel sont généralement offerts dans les deux langues. Cependant, le français demeure peu utilisé comme langue de travail dans les régions désignées à l'extérieur du Québec, à l'exception de quelques unités dans la région de la capitale nationale. Nous avons toutefois noté des engagements et des réalisations dans ce domaine. Par exemple, les sous-ministres adjoints du Service de l'environnement atmosphérique et du Service de la conservation et de la protection ont rappelé à leurs cadres leurs obligations en matière de langues de travail. Ils ont également demandé qu'on porte à leur attention tout document unilingue anglais qui serait acheminé aux fonctionnaires de la région du Québec afin d'obtenir leurs commentaires ainsi que tout document unilingue qui serait remis à des fonctionnaires des deux groupes linguistiques.

Pour ce qui est de la participation des deux groupes linguistiques, les taux sont sensiblement les mêmes que l'an dernier par rapport à l'effectif global et ils demeurent satisfaisants (1 955 francophones ou 20,2 p. 100 et 7 733 anglophones ou 79,8 p. 100) étant donné le mandat, la clientèle et l'importante décentralisation de l'organisme. Le taux de participation des employés francophones est satisfaisant dans les catégories Administration et service extérieur (27,7 p. 100) et Soutien administratif (31,3 p. 100). Il a toutefois diminué dans

des catégories d'emploi où il était déjà faible l'an dernier, soit de 0,5 p. 100 dans la catégorie Gestion pour se situer à 17 p. 100 et de 0,6 p. 100 dans la catégorie Scientifique et professionnelle (17,8 p. 100). Notons cependant que parmi les 45 recrues qui se sont jointes cette année au groupe des météorologues du Service de l'environnement atmosphérique, on compte 19 francophones. Au Nouveau-Brunswick, la participation des francophones n'est plus que de 25,3 p. 100 (soit une diminution de 1,3 p. 100 comparativement à l'an dernier). Au Québec, la participation des anglophones, qui était déjà faible, n'a connu aucun progrès cette année; elle a même baissé de 0,1 p. 100 pour s'établir à 8,1 p. 100.

Au chapitre de la gestion du programme des langues officielles, le Ministère a su intégrer, il y a déjà quelques années, ses objectifs en matière de langues officielles à ses plans opérationnels et adopter des mesures de contrôle. En effet, les sous-ministres adjoints ont signé, avec le sous-ministre, des protocoles d'entente qui font état d'objectifs précis touchant le service au public, l'utilisation du français comme langue de travail et la participation des deux collectivités de langue officielle, tant à l'échelle régionale que dans les diverses catégories d'emploi. La réalisation des objectifs relève des gestionnaires et leur rendement à cet égard est évalué annuellement. De plus, un comité directeur présidé par le sous-ministre a été formé en 1989 afin de suivre la situation de près dans la catégorie Gestion; ce comité fait rapport des réalisations et des problèmes au comité de gestion du Ministère. Ces mesures nous semblent aptes à assurer une mise en œuvre efficace du programme des langues officielles du Ministère.

Des 57 plaintes fondées reçues cette année (trois de plus qu'en 1989), 53 mettaient en cause le service au public. Parmi celles-ci, 13 avaient trait aux communications en personne, 12 aux communications dans les médias, 11 aux communications au téléphone et 8 aux publications. Les autres plaintes touchaient la correspondance et le processus de dotation. La collaboration du Ministère a été satisfaisante dans le règlement de ces plaintes.

Finances

Le ministère des Finances s'acquitte généralement bien de ses responsabilités en matière de service au public. Il a cependant fait, en 1990, un impair important au chapitre des communications. Par ailleurs, des améliorations devront être apportées en vue de corriger des lacunes sur le plan de la langue de travail et de la participation des deux collectivités de langue officielle au sein de certaines catégories d'emploi, notamment celle de la Gestion. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas encore eu tout l'effet attendu depuis sa promulgation en 1988.

En 1990, le Ministère a continué d'offrir au public des services de bonne qualité dans les deux langues officielles. En effet, de façon générale, l'accueil téléphonique est bilingue, les publications sont disponibles dans les deux langues et

la correspondance est acheminée au client dans la langue officielle de son choix. Il y a eu cependant cette année un accroc linguistique sérieux mettant en cause des publications sur la Taxe sur les produits et services (TPS) qui, contrairement à ce que stipule la Loi, furent livrées dans une seule langue à partir du siège social du Ministère dans plusieurs communautés. Cette bévue a occasionné plus de 40 plaintes contre le Ministère.

Une vérification linguistique menée en 1989 par des experts-conseils du ministère des Approvisionnements et Services a confirmé que, comme nous l'avions signalé dans le *Rapport annuel 1989*, le français n'occupe pas la place qui lui revient au sein de ce Ministère. Par exemple, le comité exécutif fonctionne en français 15 p. 100 du temps et beaucoup de réunions internes se tiennent en anglais seulement. Quoique le Ministère ait l'intention de rehausser les exigences linguistiques de ses cadres d'ici juin 1991, à l'heure actuelle, 19,1 p. 100 (43 sur 225) des surveillants occupant un poste bilingue ne satisfont pas aux exigences linguistiques de leur poste; aussi, au moment de la vérification de 1989, un grand nombre d'instruments de travail informatisés n'étaient disponibles qu'en anglais. La haute gestion du Ministère s'est engagée à corriger ces lacunes en matière de langue de travail et a commencé à mettre sur pied le système FINNET, réseau d'ordinateurs personnels à l'intention de tous les employés, entièrement conçu dans les deux langues officielles. Nous nous attendons à des progrès similaires dans les autres domaines de la langue de travail.

En 1990, si l'on exclut la Direction de l'administration, qui dessert ce Ministère ainsi que le Secrétariat du Conseil du Trésor et le Bureau du Contrôleur général, la participation des francophones et des anglophones au ministère des Finances se chiffre à 26,4 p. 100 et à 73,6 p. 100 respectivement. Cette participation nous paraît équitable étant donné le mandat de l'organisme, sa clientèle et l'emplacement de ses bureaux. Cependant, des déséquilibres persistent. Les francophones ne forment que 10,3 p. 100 de la catégorie Gestion, et même s'il s'agit d'une amélioration par rapport à l'an dernier, ce pourcentage est toujours trop faible compte tenu de la mission d'institution centrale de ce Ministère. Par ailleurs, dans la catégorie Soutien administratif, la participation anglophone a encore diminué pour s'établir à 45,1 p. 100 cette année.

En 1990, le Ministère a entrepris de modifier ses méthodes de gestion des langues officielles. Il a élaboré un plan directeur qui devrait permettre d'obtenir de bons résultats à l'avenir. Toutefois, plusieurs problèmes subsistent. Par exemple, nous retrouvons toujours un trop grand nombre de postes réversibles (15,4 p. 100 de tous les postes) et, à l'occasion, les données consignées au Système d'information sur les langues officielles (SILO) ne concordent pas avec les données ministérielles. En outre, certaines mesures primordiales, telles qu'un sondage en matière de langue de travail, ont été remises à plus tard.

Nous avons reçu 45 plaintes mettant en cause le Ministère en 1990, comparativement à deux en 1989. Une concernait un document publicitaire au sujet de la

vente d'Obligations d'épargne du Canada et toutes les autres avaient trait à des lacunes dans la campagne d'information au sujet de la TPS.

Forêts

Forêts Canada, qui faisait partie d'Agriculture Canada jusqu'en 1989, est soumis à sa première évaluation comme ministère. De façon générale, Forêts Canada fournit ses services au public dans les deux langues officielles. Toutefois, en tant que langue de travail, le français n'occupe pas la place qui lui revient, et il existe certains déséquilibres sectoriaux et régionaux sur le plan de la participation équitable des deux groupes linguistiques. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu peu d'effet en 1990.

Forêts Canada veille à fournir ses services au public dans les deux langues, même si les contacts directs avec celui-ci sont limités. L'affichage, les publications d'intérêt général ainsi que les visites organisées de ses deux instituts nationaux à Sault-Sainte-Marie et à Petawawa se font dans les deux langues officielles. Le Ministère a également pris des mesures pour combler certaines lacunes dans les expositions et dans la diffusion des documents en français à Edmonton.

Au chapitre de la langue de travail, l'emploi du français demeure encore insuffisant. Certes, les deux langues officielles sont utilisées dans les assemblées générales avec les employés, au sein des comités de la haute direction et dans les réunions auxquelles participent des représentants des bureaux régionaux, mais l'emploi du français sur les lieux de travail se trouve grandement gêné par le fait que, dans certaines catégories clés, de nombreux surveillants ne satisfont pas aux exigences linguistiques de leur poste. Par exemple, dans la catégorie Scientifique et professionnelle, seuls 71 p. 100 des surveillants satisfont aux exigences linguistiques et, dans la catégorie Technique, seulement 60 p. 100. Les guides, les directives, les circulaires et la plupart des autres documents de travail sont généralement offerts dans les deux langues, de même que les cours de formation. Bien que les employés soient encouragés à rédiger leurs rapports et autres documents dans la langue de leur choix, l'anglais est la langue utilisée dans la préparation des textes de nature scientifique. Dans les régions désignées, les employés ont accès aux services centraux et du personnel dans les deux langues officielles.

Le pourcentage de francophones s'établit à 21,6 p. 100 (279 employés sur 1 294) au sein du Ministère. En raison du mandat de l'organisme, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation des francophones est faible dans l'est et dans le nord de l'Ontario (2,1 p. 100 ou 5 employés sur 242) ainsi qu'au Nouveau-Brunswick (10,9 p. 100 ou 17 employés sur 156). En outre, le Ministère ne compte aucun francophone parmi ses 98 employés travaillant en

Saskatchewan, au Manitoba, en Nouvelle-Écosse, dans l'Île-du-Prince-Édouard et à Terre-Neuve. Le taux de participation de francophones est également faible dans les catégories Scientifique et professionnelle (14,8 p. 100), Technique (13,4 p. 100) et Exploitation (17,5 p. 100). Par ailleurs, les anglophones ne représentent que 3,4 p. 100 de l'effectif (5 sur 148) au Québec. Leur participation est également faible à l'administration centrale dans la région de la capitale nationale, dans les catégories Administration et service extérieur (47 p. 100 des 98 employés) et Soutien administratif (30,5 p. 100 des 59 employés).

La gestion des langues officielles en est à ses débuts au Ministère, l'accent étant mis sur des points particuliers comme la formation linguistique, les exigences linguistiques des postes, les évaluations du rendement, etc. Les objectifs du programme des langues officielles n'ont pas encore été intégrés au processus de planification opérationnelle du Ministère.

Cinq plaintes fondées à l'encontre du Ministère ont été reçues en 1990. Une plainte dénonçait l'absence d'offre active en français à Edmonton, une autre concernait un avis de concours et trois autres portaient sur la presse minoritaire. Dans tous les cas, le Ministère a fait preuve d'une bonne collaboration quant au traitement de ces dossiers.

Gendarmerie royale du Canada

En 1990, nous avons constaté très peu de changement quant à la mesure dans laquelle la Gendarmerie royale du Canada (GRC) satisfait aux exigences de la *Loi sur les langues officielles* en matière de service au public. Au chapitre de la langue de travail, les problèmes notés en 1989 sont restés sans remède pour la plupart. Bien que la participation équitable des francophones et des anglophones au sein de la GRC soit pratiquement chose faite, les écarts dans certains secteurs particuliers n'ont encore fait l'objet d'aucune mesure de redressement. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la Loi n'a eu que peu d'effet depuis sa promulgation en 1988.

Seule une légère amélioration du service au public dans la langue de son choix a été notée cette année. Il ressort clairement des plaintes reçues par le Commissariat en 1990 que la GRC doit renforcer le lien entre l'offre de services bilingues et leur prestation comme telle. Si la GRC s'est attaquée à ce problème dans une certaine mesure, en remettant à ses membres des cartes conçues pour renseigner le public sur la façon d'obtenir le service dans la langue officielle de son choix, d'autres initiatives de ce genre seraient sans aucun doute profitables. En revanche, un sondage mené en 1990 révèle que la GRC est en mesure de servir les voyageurs dans l'une ou l'autre langue officielle dans certains aéroports.

En 1990, la GRC considérait comme bilingues 4 254 de ses 15 334 membres réguliers, soit 27,7 p. 100, mais seulement 73 p. 100 d'entre eux ont subi des tests établissant qu'ils possèdent actuellement les compétences requises. Ce

pourcentage est légèrement plus élevé qu'en 1989, mais la GRC est encore lente à évaluer la compétence en langue seconde de ses membres. Sur les 3 328 fonctionnaires à l'emploi de la Gendarmerie cette année, 23,7 p. 100 occupaient des postes bilingues. De ceux-ci, 82,4 p. 100 répondaient aux exigences linguistiques, soit 3 p. 100 de plus qu'en 1989.

La situation sur le plan de la langue de travail à la GRC n'a pas changé. Les réunions de la haute direction se déroulent dans l'une ou l'autre langue officielle. Cependant, les réunions de direction et de section au quartier général se tiennent en anglais à moins que le président d'assemblée ne soit bilingue.

La Gendarmerie compte 1 115 postes de surveillants dans les régions bilingues, dont 71 p. 100 exigent la connaissance des deux langues officielles. Seulement 56 p. 100 des titulaires de ces postes ont démontré qu'ils satisfont aux exigences linguistiques. Afin de remédier à cette situation, la GRC compte simplement encourager les surveillants à subir des tests de langue et à suivre une formation linguistique complémentaire, mais il lui faudrait prendre des mesures plus convaincantes pour faire respecter pleinement les droits des employés en matière de langue de travail.

Nous avons reçu une série de plaintes concernant les messages CIPC unilingues anglais provenant du Centre de transmissions du Nouveau-Brunswick. La GRC a toutefois examiné la situation et croit pouvoir y remédier au début de 1991, sinon la sécurité de ses membres pourrait être menacée. De plus, la correspondance interne adressée au Québec est parfois en anglais. De toute évidence, le français n'a pas la place qui lui revient comme langue de travail à la GRC.

Sur un effectif total de 15 334 membres réguliers en 1990, 18,2 p. 100 étaient francophones, tout comme en 1989. Cette année, la Gendarmerie a poursuivi ses efforts en vue d'embaucher des membres des deux groupes de langue officielle : 25 p. 100 des recrues en 1990 étaient d'expression française. Elle est donc en voie d'atteindre son objectif, soit 20,8 p. 100 de francophones, ce qui serait équitable compte tenu de son mandat, du public servi et du fait que plus des deux tiers de ses membres travaillent dans l'ouest du pays. Il existe toutefois certains déséquilibres dans les régions. Au Nouveau-Brunswick, par exemple, le taux de participation des membres anglophones n'est que de 50 p. 100. De nouveau cette année, à la Division A, dans la région de la capitale nationale, les anglophones n'occupent que 31 p. 100 des 706 postes. Du point de vue de la hiérarchie, la participation francophone est faible au rang de sergent d'état-major : 12,7 p. 100 des 833 postes; parmi les sergents et les caporals, seulement 15 p. 100 sont francophones.

La Gendarmerie compte 3 328 postes de fonctionnaires équitablement répartis : 79,5 p. 100 sont occupés par des anglophones et 20,5 p. 100 par des francophones. Cependant, dans la région de la capitale nationale, à peine 60,5 p. 100 des 1 107 civils sont anglophones.

En 1990, les autres priorités opérationnelles de la GRC ont eu une incidence considérable sur l'administration au jour le jour du programme des langues officielles. Par conséquent, la Gendarmerie a été lente à régler les plaintes. Toutefois, nous sommes heureux de constater que la GRC a réalisé cette année deux études sur certains aspects du programme qui présentaient des problèmes. L'une a été effectuée dans le cadre de l'obligation faite à la GRC d'examiner l'efficacité du système de l'effectif bilingue de service aux termes de la lettre d'entente signée avec le Conseil du Trésor et comprend une analyse de l'application de ce système aux postes de surveillance dans les régions bilingues. L'autre étude portait sur la nature des communications internes et externes au Québec. Nous discuterons des résultats de ces deux études avec la GRC.

La GRC a fait l'objet de 48 plaintes en 1990 (contre 46 en 1989) dont 19 se rapportaient au service au public, 17 concernaient la langue de travail et 12 avaient trait à la désignation linguistique de postes.

Industrie, Sciences et Technologie*

En 1990, le ministère de l'Industrie, des Sciences et de la Technologie (ISTC) s'est bien acquitté de ses responsabilités en matière de service au public dans les deux langues officielles. Cependant, le français n'a pas toute la place qui lui revient comme langue de travail, ni à l'administration centrale ni au Québec. La participation des deux groupes linguistiques est équitable dans l'ensemble, mais des déséquilibres perdurent dans certains secteurs et certaines régions. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas encore eu tout l'effet voulu depuis sa promulgation en 1988.

Le Ministère a entrepris de nouvelles démarches en 1990 en vue d'assurer une offre active et une prestation efficace de services bilingues. En effet, le Ministère a déjà inscrit 23 bureaux dans le répertoire du Conseil du Trésor intitulé *À votre service dans les deux langues officielles*. Par contre, dans certains bureaux, des faiblesses ont été notées concernant le service au public. Par exemple, à Sudbury, en dépit du fait que l'accueil soit bilingue et que près de 40 p. 100 des contacts se fassent en français, la majorité des services sont offert en anglais en raison de la répartition des agents, tout comme d'ailleurs la plupart des ententes conclues. À Sherbrooke, en revanche, l'accueil téléphonique est unilingue français, bien qu'une forte proportion des échanges courants ait lieu en anglais et que des ententes soient signées dans cette langue.

À Saskatoon, le Ministère est en mesure de répondre, à frais virés, aux appels en français en provenance des Territoires du Nord-Ouest; il en est de même à Toronto, avec des résultats moins probants, pour les francophones habitant ailleurs qu'à Ottawa, à Sudbury et à Toronto. Le Ministère répond à la correspondance

dans la langue des destinataires et ses publications pour diffusion générale sont bilingues. ISTC a pris une initiative digne de mention : il a communiqué avec environ 25 associations de langue minoritaire et leur a fait parvenir un répertoire des programmes et des services qu'il offre. Plusieurs organismes ont déjà répondu et des rencontres sont prévues.

En matière de langue de travail, la vérification effectuée par le Ministère et nos entrevues de suivi ont montré que, même si les discussions en français durant les réunions du comité de gestion du Ministère sont fréquentes dans le domaine du développement régional, la plupart des autres réunions à l'administration centrale se déroulent en anglais. Les manuels produits pour l'ensemble du Ministère sont diffusés dans les deux langues. Plusieurs instruments de travail élaborés par l'Office de développement régional du Québec, secteur ministériel relativement autonome, le sont dans les deux langues. Par contre, la plupart des outils utilisés par le secrétariat de l'Initiative fédérale de développement économique dans le Nord de l'Ontario (désigné par le sigle FedNor) sont encore unilingues anglais, bien qu'ils soient destinés à une région bilingue. Le Ministère n'ayant pas encore défini ce que sont ses systèmes informatisés d'usage courant et généralisé, il ne pourra satisfaire entièrement, à compter du 1er janvier 1991, aux exigences de la Loi à ce chapitre. Il a toutefois fait appel à un cabinet d'experts-conseils en vue de mener une étude sur les besoins linguistiques en informatique dont les résultats sont prévus pour mars 1991. Divers rappels verbaux, des notes de service et des circulaires d'information servent à favoriser l'utilisation de la langue minoritaire, au siège social ou au Québec. Seuls quelques secteurs du Ministère constituent toutefois un milieu propice au respect de l'une et de l'autre langues officielles pour le travail et, dans l'ensemble, il y a encore grandement place à l'amélioration.

Cette année encore, la participation des deux communautés linguistiques mérite notre attention. Depuis 1989, le Ministère a dû réduire de 110 personnes son effectif qui s'établit maintenant à 2 122. De ce nombre, 1 362 (64,2 p. 100) sont anglophones et 760 (35,8 p. 100) sont francophones. ISTC ne compte aucun francophone en Colombie-Britannique, dans le nord du pays et à l'Île-du-Prince-Édouard. En dépit d'une augmentation de son effectif dans le nord et dans l'est de l'Ontario, il n'y a plus dans ces régions qu'un seul francophone sur 14 (soit 7,1 p. 100). De même, le nombre de francophones a diminué dans la catégorie Gestion où ils ne constituent plus que 48 des 235 cadres (20,4 p. 100 comparativement à 21,6 p. 100 en 1989). En 1990, la proportion des anglophones dans la catégorie Soutien administratif a diminué (52,2 p. 100 contre 53,8 p. 100 en 1989). Par ailleurs, le taux de participation anglophone est toujours insuffisant au Québec (18 sur 263 ou 6,8 p. 100) et au Nouveau-Brunswick (16 sur 37, soit 43,2 p. 100). Dans l'ensemble, si l'on considère le mandat de l'organisme, sa clientèle et l'emplacement de ses bureaux, le taux global de participation est presque équitable, comme c'était le cas en 1989.

Au cours de 1990, le Ministère a investi considérablement dans la gestion de son programme des langues officielles. À la suite d'une révision de la situation

linguistique effectuée par ses gestionnaires, ISTC a mis au point un nouveau plan des langues officielles qui comprend des critères de rendement ainsi que des échéances et prévoit des mises à jour périodiques. Le Ministère a de plus entamé cette année avec le Conseil du Trésor les négociations d'un protocole d'entente en matière de langues officielles qui devrait être signé d'ici mars 1991.

Nous avons reçu trois plaintes fondées en 1990. La première avait trait à une lettre circulaire en anglais seulement provenant du bureau de Winnipeg sur le programme InvestTech. Les deux autres portaient sur l'inégalité du lettrage français par rapport à celui en anglais sur des affiches. En 1989, nous avions reçu cinq plaintes concernant l'accueil téléphonique et l'utilisation des médias. Le Ministère continue à bien collaborer au règlement des plaintes.

Justice

Dans l'ensemble, en 1990, le programme des langues officielles au sein du ministère de la Justice est demeuré relativement solide. Bien que le Ministère n'ait que rarement affaire au public, il respecte habituellement le choix de sa clientèle pour ce qui est de la langue de communication. Quant à la langue de travail, le Ministère offre des services aux autres ministères et organismes fédéraux dans les deux langues officielles, et le milieu de travail est généralement propice à l'utilisation des deux langues. Dans l'ensemble, le taux de participation des anglophones est faible et le Ministère devrait s'efforcer de corriger le déséquilibre existant dans certaines régions et catégories professionnelles. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un effet tangible depuis sa promulgation en 1988.

Les principaux clients du Ministère étant des ministères et des organismes fédéraux, ses rapports avec le public sont restreints. Néanmoins, il offre des services au public dans les deux langues officielles à l'administration centrale et dans ses neuf bureaux régionaux. Au besoin, les appels peuvent être acheminés par l'entremise du bureau régional à des fonctionnaires à l'administration centrale du Ministère à Ottawa. Toutefois, nous avons reçu deux plaintes soulignant la difficulté d'obtenir un service téléphonique en français au bureau régional de Winnipeg. Le Ministère prend des mesures pour corriger cette situation.

En général, la situation quant à la langue de travail est saine. Le français et l'anglais jouissent d'un statut égal au sein des comités de la haute direction : les membres utilisent la langue officielle de leur choix et les ordres du jour, les procès-verbaux et les autres documents connexes sont disponibles dans les deux langues officielles. Toutefois, le niveau de bilinguisme des surveillants doit être amélioré. Seuls 77,5 p. 100 (134 sur 173) des surveillants occupant un poste bilingue répondent aux exigences linguistiques de leur poste, comparativement à 78,7 p. 100 en 1989 (144 sur 183).

En vertu de l'article 37 de la Loi, le Ministère est tenu de respecter les préférences linguistiques des institutions fédérales auxquelles il offre des services. En 1990, le Ministère a atteint son objectif : au moins 30 p. 100 des conseillers juridiques de chacun de ses 40 services juridiques sont bilingues. Il peut donc assurer la prestation de ces services dans les deux langues officielles.

Le taux de participation des francophones et des anglophones est demeuré presque inchangé depuis 1989 : sur 1 712 employés, 33,5 p. 100 sont francophones et 66,5 p. 100 sont anglophones (soit une augmentation de 1 p. 100 par rapport à l'an dernier). Compte tenu du mandat du Ministère, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation des anglophones est faible. Il existe encore des lacunes dans certaines régions et catégories professionnelles. Par exemple, le taux de participation des anglophones dans la catégorie Soutien administratif est faible dans la région de la capitale nationale (46 p. 100) et nul au Québec, où aucun des 36 postes de cette catégorie n'est occupé par un anglophone. De fait, le taux de participation des anglophones pour l'ensemble des catégories professionnelles au Québec est passé de 5 p. 100 en 1989 à seulement 3,4 p. 100 en 1990. Même si le Ministère a déterminé qu'il lui faut embaucher des conseillers juridiques anglophones pour la région du Québec, il devra élaborer une véritable stratégie pour obtenir des résultats. Dans l'ensemble, le taux de participation des francophones et des anglophones dans le groupe des conseillers juridiques est acceptable : 30 p. 100 (274 sur 913) sont francophones et 70 p. 100 (639 sur 913) sont anglophones.

Le programme des langues officielles jouit d'un statut relativement important au sein du Ministère. Le Comité des langues officielles, qui surveille la mise en œuvre du programme, est présidé par un sous-ministre adjoint. La lettre d'entente entre le Ministère et le Conseil du Trésor, signée en janvier 1990, a été remise à tous les gestionnaires du Ministère, lesquels doivent rendre compte de la réalisation des objectifs fixés en matière de langues officielles.

Nous avons reçu sept plaintes en 1990, soit deux de plus qu'en 1989. Le Ministère a collaboré promptement aux enquêtes relatives à ces plaintes.

Marine atlantique

En persistant dans ses efforts en vue de concrétiser sa politique des langues officielles de 1989, la société Marine Atlantique améliore graduellement ses services aux voyageurs. L'anglais demeure la langue de travail au sein de la Société, et cette situation ne changera pas tant que la capacité bilingue des gestionnaires ne sera pas accrue. Les francophones sont encore peu nombreux parmi le personnel de la Société, bien que les mesures prises, en 1990, en vue de combler cette lacune aient eu un certain succès. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Marine Atlantique progresse lentement mais sûrement vers la prestation d'un éventail complet de services au public dans les deux langues officielles. Les publications, les affiches, les avis et la publicité de la Société sont produits en français et en anglais, et les employés bilingues portent un insigne invitant les clients à s'adresser à eux dans la langue officielle de leur choix. Bien que seulement 5,4 p. 100 des employés connaissent les deux langues, Marine Atlantique a pris des mesures cette année en vue d'améliorer cette trop faible capacité : 31,4 p. 100 des personnes embauchées en 1990 sont bilingues. Autre initiative louable : la Société est à produire une bande vidéo visant à sensibiliser les employés à la notion d'offre active dans les deux langues officielles. Il convient également de souligner le programme permanent mis sur pied par Marine Atlantique pour renseigner le public sur l'emplacement et la disponibilité de services bilingues.

Cependant, il existe toujours certaines difficultés que l'institution n'a pas encore réussi à résoudre. Ainsi, les clients ne peuvent être servis dans leur langue aux billetteries, en particulier à Cape Tormentine et à Digby, comme en attestent les huit plaintes que nous avons reçues à ce sujet en 1990. De plus, bien que les contrats passés par la Société avec ses concessionnaires comportent une clause linguistique, une enquête que nous avons menée l'été dernier révèle que le public n'est pas accueilli dans les deux langues officielles et que, par la suite, le service n'est pas toujours disponible en français aux terminus de Cape Tormentine et de Borden ainsi qu'à bord du Princess of Acadia. Cette situation doit être corrigée sans plus tarder.

Étant donné le nombre restreint d'employés bilingues, il n'est pas étonnant que les activités quotidiennes de la Société se déroulent en anglais. Il en va de même des réunions du comité exécutif de gestion dont les ordres du jour et les procès-verbaux ne sont toujours qu'en anglais. En outre, certains services centraux et du personnel ne sont pas encore disponibles en français. Consciente de la nécessité de favoriser l'utilisation des deux langues officielles parmi ses employés, la société Marine Atlantique a fait suivre un cours de formation en langue seconde à ses cadres supérieurs et à d'autres membres du personnel. Les instruments de travail sont en voie de traduction et les avis aux employés sont diffusés en français et en anglais.

Toutefois, aucun progrès réel en matière de langue de travail ne pourra être réalisé tant que l'effectif de la Société ne sera pas composé d'un pourcentage équitable de membres des deux groupes linguistiques. En 1990, seuls 4,4 p. 100 des 2 936 employés sont francophones — pourcentage faible étant donné le mandat, la clientèle et l'emplacement des bureaux de l'institution. Néanmoins, ce chiffre est légèrement plus élevé que celui enregistré en 1989, soit 4,1 p. 100. Les efforts de Marine Atlantique en vue de remédier à la situation ont eu un certain succès : 12,4 p. 100 des personnes embauchées en 1990 sont francophones. Nous notons toutefois que leur taux de participation, au Nouveau-Brunswick, n'a presque pas changé depuis 1989 (15 p. 100).

Ces dernières années, la société Marine Atlantique a administré son programme des langues officielles de façon particulièrement dynamique en vue de se conformer aux exigences de la Loi de 1988. Les langues officielles font l'objet d'une section du manuel interne des politiques. De plus, les gestionnaires et les employés sont informés de leurs droits et de leurs obligations linguistiques au moyen d'exposés, de bulletins et d'un article dans le périodique de la Société. Selon la lettre d'entente qui sera signée entre Marine Atlantique et le Conseil du Trésor, les gestionnaires de la Société seront tenus responsables de la mise en œuvre des objectifs en matière de langues officielles. Il est à souhaiter que la Société continuera dans cette voie, car elle a encore beaucoup de chemin à parcourir pour respecter les dispositions de la Loi à ce chapitre.

En 1990, nous avons reçu 12 plaintes fondées mettant en cause Marine Atlantique, soit une de plus qu'en 1989. Huit de ces plaintes concernaient l'absence de services en français aux billetteries, deux avaient trait au service téléphonique, une avait pour objet les communications avec les médias et une autre portait sur le service à la cantine à bord d'un des traversiers de la Société. Marine Atlantique a fait preuve d'une bonne collaboration dans le traitement de ces plaintes.

Musée canadien des civilisations

En 1990, le Musée canadien des civilisations est devenu une société d'État indépendante. Malgré la réorganisation que cette situation a entraînée, le Musée s'est bien acquitté de ses obligations linguistiques en matière de langue de service. Dans le domaine de la langue de travail, le français n'occupe pas toute la place qui lui revient dans cette institution. Au chapitre de la participation, le pourcentage d'anglophones est faible dans certaines catégories d'emploi, étant donné le mandat, la clientèle et l'emplacement des locaux du Musée. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Pour ce qui est du service au public, mentionnons, parmi les aspects positifs, l'offre active de service, améliorée par l'installation d'un panneau bilingue indiquant clairement aux visiteurs quelles activités sont présentées et dans quelle langue; l'installation, en 1989, d'un système téléphonique informatisé reproduisant un message enregistré et qui permet maintenant aux interlocuteurs d'obtenir des renseignements dans leur langue; enfin, la tenue de consultations régulières auprès des groupes minoritaires francophones lors de l'élaboration de certains programmes. Les tiers agissant pour le compte de l'organisme sont, quant à eux, tenus par voie contractuelle de fournir un service dans les deux langues.

En matière de langue de travail, le français est utilisé le tiers du temps durant les réunions du comité de la haute gestion. Les ordres du jour sont bilingues et les procès-verbaux sont rédigés dans la langue des participants. Des 103 titulaires de

postes bilingues avec fonction de surveillance, 69 (67 p. 100) satisfont aux exigences linguistiques de leur poste et près de 40 p. 100 de ces postes n'exigent que le niveau intermédiaire de connaissance de la langue seconde. On ne peut donc dire que cette situation favorise la libre utilisation du français au travail. Bien qu'il soit possible pour les employés de suivre des cours de perfectionnement dans leur langue, l'organisme n'a pas été en mesure de nous dire s'ils se prévalaient de leur droit à cet égard. De même, le Musée n'a pu nous faire part de progrès réalisés dans le domaine des systèmes informatisés.

Au chapitre de la participation des deux groupes linguistiques, le pourcentage d'anglophones pour l'ensemble de l'organisme se situe à 51,6 p. 100, soit 223 sur 432 employés. Tout comme en 1989, la participation des anglophones est insuffisante dans les catégories Soutien administratif (39 p. 100) et Exploitation (35 p. 100). Leur nombre a par ailleurs grandement diminué dans la catégorie Technique; il est passé de 84 (75 p. 100) en 1989 à 57 (60 p. 100) en 1990. Nous avons aussi noté que le pourcentage de francophones a augmenté de 6,3 p. 100 dans la catégorie Scientifique et professionnelle, passant de 22,3 p. 100 en 1989 à 28,6 p. 100 en 1990. Le nombre de francophones n'a toutefois pas changé. La participation des deux groupes nous paraît adéquate dans la catégorie Administration et service extérieur (34,7 p. 100 de francophones; 65,3 p. 100 d'anglophones).

En ce qui a trait à l'administration du programme, les responsables auraient avantage à revoir leur politique sur les langues officielles à la lumière des dispositions de la *Loi sur les langues officielles* de 1988. Les cadres supérieurs et les gestionnaires sont, quant à eux, évalués en fonction des responsabilités qui leur incombent en matière de langues officielles.

Le Musée a fait l'objet de neuf plaintes, soit sept de plus que l'an dernier. Six portaient sur le service au public, deux sur la langue de travail et une sur la gestion du programme. Le Musée a fait preuve de collaboration dans le traitement de ces dossiers.

Musée des beaux-arts

Depuis le 1er juillet 1990, le Musée des beaux-arts est devenu une société d'État indépendante. La réorganisation qui s'en est suivie ne l'a pas empêché de bien administrer son programme des langues officielles et d'améliorer son service au public. Au chapitre de la langue de travail, il lui reste toutefois des progrès à réaliser, notamment dans le secteur des services techniques, pour assurer au français toute la place qui lui revient. La participation des anglophones est faible dans certaines catégories d'emploi, et celle des francophones l'est dans la catégorie Gestion. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un certain effet depuis sa promulgation en 1988.

Le Musée offre activement ses services au public dans les deux langues officielles. Le Musée a pris des mesures, en 1990, pour corriger les problèmes signalés l'an dernier relativement à la prestation de services bilingues de la part des tiers agissant pour son compte. De plus, le pourcentage de gardes bilingues est passé de 85 à 96 p. 100 en 1990 et un comité a été formé au sein des Services éducatifs pour étudier diverses façons d'attirer la clientèle francophone. Par ailleurs, toutes les vidéocassettes éducatives sont maintenant sous-titrées dans l'une ou l'autre langue officielle.

Au chapitre de la langue de travail, chacun se sent à l'aise d'intervenir dans sa langue durant les réunions du comité de la haute gestion. Les procès-verbaux des réunions de ce comité sont rédigés en français et en anglais (principe de l'alternance). Par ailleurs, les ordres du jour sont présentés en anglais lorsque le procès-verbal de la réunion précédente est en français, et vice-versa. Des 46 titulaires de postes bilingues avec fonction de surveillance, seulement 32 (69,6 p. 100) satisfont aux exigences linguistiques de leur poste, ce qui représente une baisse de 13 p. 100 par rapport à 1989. L'ensemble des employés ont accès aux services centraux dans leur langue. Cependant, le français n'a pas la place qui lui revient dans le secteur des services techniques. Des cours en muséologie en français sont maintenant offerts à Montréal, ce qui constitue une amélioration par rapport à l'an dernier. De plus, la plupart des systèmes informatiques sont conformes aux dispositions de la Loi.

Si la participation des deux groupes linguistiques est équilibrée dans plusieurs secteurs, l'organisme reconnaît néanmoins qu'il en est d'autres où il lui faut redresser la situation. Ainsi, compte tenu du mandat, de la clientèle et de l'emplacement des bureaux du Musée, la participation des anglophones est faible dans les catégories Administration et service extérieur (56,5 p. 100) et Soutien administratif (37,9 p. 100). En revanche, la participation des francophones est faible dans la catégorie Gestion (16,7 p. 100).

Parmi les aspects positifs, signalons que l'administration du programme des langues officielles est maintenant intégrée à la gestion générale des programmes. De plus, la politique des langues officielles de l'organisme a été revue en tenant compte de la Loi de 1988. La Division de la vérification interne du Musée, mise sur pied à la fin d'octobre, sera entre autres chargée de la vérification du programme des langues officielles. L'évaluation du rendement des gestionnaires tient également compte de leurs responsabilités en matière de langues officielles.

Quatre plaintes fondées ont été portées à notre attention en 1990, soit la moitié de moins qu'en 1989. La seule reliée à la langue de service touchait la présentation de vidéocassettes et d'exposés en anglais seulement. Les trois autres portaient sur des notes de service unilingues anglaises envoyées aux employés. Le Musée a fait preuve de collaboration dans le traitement de ces dossiers.

Office national des transports

En 1990, l'Office national des transports s'est bien acquitté de ses responsabilités linguistiques en matière de service au public et certaines difficultés signalées l'an dernier en ce qui concerne la publication d'annonces ont été résolues. Par contre, le milieu de travail est moins propice à l'utilisation du français. De plus, le taux de participation des anglophones est faible dans la catégorie Soutien administratif. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu qu'un effet relatif depuis sa promulgation en 1988.

De façon générale, l'Office offre tous ses services dans les deux langues officielles. D'ailleurs, l'affichage et l'accueil téléphonique dans ses bureaux, ainsi que ses publications, invitent sa clientèle à utiliser la langue officielle de son choix. Quant aux annonces concernant la tenue d'audiences publiques, elles sont publiées dans les journaux appropriés des deux groupes linguistiques conformément à l'article 11 de la Loi, et les audiences mêmes ont lieu en français et en anglais. L'adoption d'une nouvelle politique relative aux communications avec les médias a sans aucun doute contribué à réduire le nombre de plaintes que nous avons reçues à cet égard cette année, soit quatre contre huit en 1989.

Sur le plan de la langue de travail, une brochure sur la tenue de réunions bilingues a été remise à tous les gestionnaires et les ordres du jour ainsi que les procès-verbaux des réunions du comité de gestion sont dans les deux langues officielles. Une étude interne sur la langue de travail révèle cependant que seuls 82 p. 100 des gestionnaires et 87 p. 100 des surveillants satisfont aux exigences linguistiques de leur poste. Ainsi, l'Office s'est fixé comme objectif de réviser les exigences linguistiques de certains postes de gestionnaire et de surveillant, et de donner à leurs titulaires la formation nécessaire pour éliminer ainsi un des obstacles à l'utilisation du français comme langue de travail. L'Office a adopté une nouvelle politique définissant notamment le genre d'instruments de travail qui doivent être disponibles dans les deux langues officielles.

Bien qu'il y ait une participation équitable des deux groupes linguistiques dans toutes les catégories, sauf dans celle du Soutien administratif, le nombre d'anglophones est insuffisant puisqu'ils n'occupent que 57 p. 100 des postes dans l'ensemble de l'Office. Compte tenu de son mandat, de sa clientèle et du fait que 88,6 p. 100 de son effectif sont situés dans la région de la capitale nationale, l'Office a élaboré un plan d'action détaillé afin de redresser ce déséquilibre, notamment dans la catégorie Soutien administratif, où les anglophones ne représentent que 37 p. 100 de l'effectif. Par ailleurs, notons que de 1988 à 1990, la participation des francophones dans la catégorie Gestion est passée de 14 à 24 p. 100.

En 1990, l'Office national des transports a fait l'objet de quatre plaintes fondées concernant les communications avec les médias. Nous avons reçu une bonne collaboration de l'organisme pour remédier aux situations en cause.

Pêches et Océans

En 1990, Pêches et Océans a continué de faire bonne figure en matière de langues officielles, plus particulièrement en ce qui a trait au service au public. Cependant, en matière de langue de travail, le français n'occupe pas pleinement la place qui lui revient. La participation des deux collectivités de langue officielle n'a pas changé depuis 1989 et demeure acceptable. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Comme par le passé, le Ministère sert le public dans les deux langues officielles et continue de s'assurer que les avis, les formulaires et les publications d'intérêt général sont disponibles en français et en anglais. Les ouvrages de recherche scientifique ou technique publiés dans une langue contiennent un résumé dans l'autre langue officielle.

Le Ministère a mis sur pied, dans la région du Golfe, un réseau téléphonique pour répondre aux demandes provenant de la minorité linguistique. Cependant, en Nouvelle-Écosse où il a de nombreux contacts avec le public, quelques plaintes concernant la non-disponibilité de services en français nous laissent croire qu'une plus grande vigilance s'impose.

Le français, comme langue de travail, n'occupe toujours pas pleinement la place qui lui revient. Au niveau de la haute direction, le français est peu utilisé au cours des réunions. De plus, bien que 80,9 p. 100 des surveillants satisfassent aux exigences linguistiques de leur poste, le niveau de compétence linguistique intermédiaire requis pour ces postes ne permet pas d'assurer convenablement la surveillance dans les régions désignées. Tous les instruments de travail sont bilingues et la majorité des utilisateurs des systèmes informatisés peuvent choisir l'une ou l'autre langue officielle.

On estime que, dans l'ensemble, la participation d'employés francophones à Pêches et Océans est équitable, compte tenu du mandat, de la clientèle et de l'emplacement des bureaux du Ministère, puisqu'elle s'est maintenue à 17,2 p. 100 au cours de 1990. Par contre, elle demeure toujours faible dans les catégories Scientifique et professionnelle et Gestion, soit 11,2 p. 100 et 19,9 p. 100 respectivement.

Tout comme en 1989, Pêches et Océans a fait cette année l'objet de 12 plaintes fondées. La majorité de celles-ci portaient sur le service au public, dont trois avaient trait au service au téléphone, quatre au service en personne ou par la poste et trois autres concernaient des panneaux-réclames et des affiches. Nous n'avons reçu que deux plaintes ayant trait à la langue de travail. Le Ministère a fait preuve de collaboration dans le traitement de ces plaintes.

Pétro-Canada

En février, le gouvernement a annoncé son projet de privatiser Pétro-Canada, puis le *projet de loi nº C-84* a été déposé à la Chambre des communes en octobre. Le Commissaire a fait savoir au comité législatif que, à son avis, la teneur du texte est trop faible pour assurer le respect de l'esprit et de la lettre de la *Loi sur les langues officielles*, en particulier à l'égard du public. Ces dernières années et de nouveau en 1990, la société Pétro-Canada s'est efforcée de servir les Canadiens dans les deux langues. Il reste encore beaucoup à faire aux chapitres de la langue de travail et de la participation équitable, mais les mesures prises devraient entraîner certaines améliorations. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un certain effet depuis sa promulgation en 1988.

Au siège social de la Société à Calgary, à ses bureaux régionaux de Montréal, de Toronto et de Calgary ainsi que dans trois bureaux à Ottawa, le public peut obtenir des services dans l'une ou l'autre des langues officielles, et les bureaux administratifs où sont traités les comptes assurent un service bilingue. Cependant, Pétro-Canada ne soumet pas ses employés à des tests de langue. Selon les résultats d'un sondage, 17,5 p. 100 des employés se considèrent comme bilingues, et 6,6 p. 100 disent posséder une connaissance quelconque du français et de l'anglais; presque tous ces employés travaillent au Québec, en Ontario et en Alberta. Dans l'ensemble, la Société s'est efforcée de maintenir les acquis en 1990, mais la situation en matière d'offre active et de prestation de services bilingues laisse encore à désirer.

Quant à la langue de travail, à l'extérieur du Québec, le français n'occupe pas la place qui lui revient. Les réunions de gestion et de service se déroulent en anglais, sauf au Québec. Lors des réunions auxquelles participent des employés de toutes les régions, l'interprétation simultanée est assurée pour les francophones. La surveillance du personnel, à l'extérieur du Québec, se fait en anglais. Par contre, les instruments de travail, les services centraux, les services du personnel et la formation sont disponibles dans les deux langues, et les deux publications internes de la Société sont bilingues. Une enquête en cours vise à déterminer les mesures requises pour rendre les systèmes informatiques conformes aux exigences de l'article 36 de la Loi. Cependant, les communications adressées au Québec par le siège social à Calgary et d'autres régions sont en anglais seulement. Une initiative digne de mention a été prise en juillet 1990 : la Société a tenu une assemblée nationale sur les obligations des gestionnaires à l'égard de la langue de travail.

Pétro-Canada compte 6 099 employés. Comme en 1989, le pourcentage de francophones s'établit à 12,5 p. 100. Compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux, ce pourcentage est trop faible. Par ailleurs, il existe toujours des déséquilibres sectoriels et régionaux. La participation des

francophones dans les catégories Gestion et Scientifique et professionnelle est faible (9 p. 100). Les francophones sont également trop peu nombreux en Ontario (3,4 p. 100) et en Colombie-Britannique (une personne). Les mesures prises par la Société en vue de satisfaire aux exigences de la Loi en matière de participation équitable sont les suivantes : recrutement universitaire, planification de la dotation en personnel, mutations interrégionales, annonces dans la presse de langue minoritaire et appui au programme « Diplôme d'études supérieures en gestion d'entreprises pétrolières » — seul programme du genre en français — de l'École des Hautes études commerciales, à Montréal.

En 1990, le nombre de plaintes fondées déposées contre la Société s'est chiffré à 20 par rapport à 23 en 1989. Toutes concernaient le service au public : neuf avaient trait à la publicité, sept à l'utilisation des médias de la minorité, et quatre à l'affichage. L'exercice d'un meilleur contrôle par la Société aurait permis d'éviter ces problèmes. Le personnel de Pétro-Canada a fait preuve de collaboration dans le traitement de ces plaintes.

Protection civile

Protection civile Canada, nouveau ministère qui relevait auparavant du ministère de la Défense nationale, commence tout juste à élaborer ses propres politiques et programmes en matière de langues officielles. Le nombre de services qu'il offre au public est limité, mais, dans l'ensemble, il peut les assurer en français et en anglais, à quelques exceptions près. Bien que certaines initiatives aient été prises pour favoriser l'utilisation du français au sein du Ministère, cette langue n'occupe pas la place qui lui revient comme langue de travail en 1990. Même si, globalement, la participation des anglophones et des francophones est équitable, il existe certaines disparités sectorielles et régionales. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu peu d'effet en 1990.

Le Ministère veille à ce que la protection civile soit assurée en cas de situations d'urgence de tous genres. Ses principales activités, menées à bien par le siège social et les bureaux régionaux situés dans chaque capitale provinciale, consistent à assurer la liaison avec d'autres organismes du gouvernement à tous les échelons; ses contacts directs avec le public sont donc limités. Ses nombreuses publications sont toutes disponibles dans les deux langues officielles. Protection civile Canada est en mesure de servir directement le public dans les deux langues officielles à la plupart de ses bureaux et les régions où la demande est importante ont été déterminées. Dans certains bureaux où il n'y a pas de personnel bilingue, on offre un service téléphonique sans frais en français. Cette mesure pourrait toutefois être inadéquate en cas de catastrophe, surtout au bureau de Winnipeg. Le Ministère offre également, à son Collège de la protection civile, près d'Ottawa, des cours dans les deux langues officielles sur la préparation aux catastrophes et aux situations d'urgence.

Par ailleurs, le français n'occupe pas la place qui lui revient comme langue de travail. Lors des réunions bi-hebdomadaires de la direction, seul l'anglais est utilisé et les procès-verbaux de ces réunions sont remis à tous les employés en anglais seulement. Le nombre peu élevé de surveillants bilingues (50 p. 100) a également fait obstacle à l'utilisation du français. Pour remédier à la situation, le Ministère réévalue actuellement les exigences linguistiques des postes de surveillant. Le Ministère encourage toutefois les francophones à rédiger leurs rapports en français. En outre, une bande vidéo sur la façon de tenir des réunions dans les deux langues a été présentée au comité de direction. Les rapports d'appréciation du rendement sont maintenant rédigés dans la langue choisie par l'employé et la connaissance des langues officielles constitue un critère dans l'évaluation des surveillants.

Compte tenu du mandat du Ministère, de sa clientèle et de l'emplacement de ses bureaux, le taux de participation global des francophones et des anglophones est équitable (soit 24 p. 100 et 76 p. 100, respectivement). Toutefois, parmi les cadres supérieurs, le taux de participation des francophones n'est que de 12,5 p. 100, ce qui constitue une lacune sérieuse. En outre, il n'y a pas d'anglophones au bureau régional de Québec. On prévoit effectuer un examen des taux de participation en fonction des objectifs à long terme.

Le Ministère élabore actuellement sa propre politique sur les langues officielles ainsi que sa lettre d'entente avec le Conseil du Trésor à ce sujet. Jusqu'ici, les cadres et les employés ont été informés de leurs droits sur le plan linguistique au moyen des politiques et des directives sur les langues officielles du Conseil du Trésor et du ministère de la Défense nationale. Les titulaires de poste au niveau EX peuvent également suivre des cours de formation linguistique et, depuis novembre 1990, ces cours sont aussi offerts aux employés souhaitant améliorer leur compétence linguistique.

En 1990, une plainte fondée a été déposée contre Protection civile Canada au sujet de la désignation « unilingue anglais » du poste de directeur régional de la Colombie-Britannique. À la suite de cette plainte, il a été décidé de réévaluer les postes semblables dans tout le pays. Nous sommes heureux de la collaboration qui nous a été apportée pour régler cette plainte.

Revenu Canada (Douanes et Accise)

En 1990, le ministère du Revenu national (Douanes et Accise) a su maintenir dans l'ensemble un niveau approprié de service au public dans les deux langues officielles. Sur le plan de la langue de travail, des progrès ont été enregistrés pour ce qui est de l'utilisation du français à l'administration centrale. Quant à la participation des deux communautés linguistiques au sein du Ministère, elle est généralement équitable depuis quelques années. Dans l'ensemble, cette année,

l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

À part quelques exceptions, le Ministère s'acquitte bien de ses responsabilités en matière de service au public. La mise sur pied de l'important service de perception de la Taxe sur les produits et services (TPS) ne s'est pas faite sans anicroches linguistiques en 1990. L'envoi de documents à ses nouveaux clients dans la mauvaise langue officielle et la difficulté à répondre aux demandes de renseignements en langue officielle minoritaire par l'entremise de lignes téléphoniques de libre appel (à Halifax en particulier) constituent les deux principaux types de plaintes reçues jusqu'à maintenant. Nous invitons Douanes et Accise à redoubler de vigilance à ce chapitre.

Une étude effectuée par le Commissariat à l'été 1990 au Nouveau-Brunswick, au Québec et en Ontario révèle que les douaniers sont peu enclins à offrir activement des services dans les deux langues officielles au public voyageur. Nos agents qui ont visité 22 postes frontaliers n'ont reçu un accueil bilingue en personne qu'à sept reprises, soit aux postes frontaliers d'Edmundston (Nouveau-Brunswick), de Lansdowne (Mille-Îles, Ontario), de Lacolle et Rock Island ainsi qu'à l'aéroport de Dorval au Québec. Le service était toutefois disponible en langue officielle minoritaire dans 71 p. 100 des cas, plus particulièrement au Québec, au Nouveau-Brunswick et dans l'est de l'Ontario. Cependant, nos enquêteurs n'ont pu être servis en langue officielle minoritaire que quatre fois sur huit dans le sud et dans l'ouest de l'Ontario.

Dans le cadre de cette étude, nous avons pu constater l'efficacité du système de guérite bilingue mis en place au poste frontalier de Lansdowne dans la région des Mille-Îles en Ontario. Nous encourageons le Ministère à mettre ce système en place à d'autres postes frontaliers de l'Ontario le plus tôt possible, en particulier à Sault-Sainte-Marie, d'où nous sont parvenues quelques plaintes cette année. Par ailleurs, le Ministère éprouve beaucoup de difficultés à doter d'une capacité bilingue minimale le poste frontalier de St-Stephen au Nouveau-Brunswick.

Sur le plan de la langue de travail, le comité exécutif fonctionne dans les deux langues officielles et les employés qui sont appelés à y faire des présentations peuvent, à leur choix, utiliser l'une ou l'autre langue. Douanes et Accise a poursuivi son objectif d'augmenter la capacité bilingue des surveillants et des gestionnaires, ce qui permet à plus d'employés de travailler dans la langue officielle de leur choix. Cependant, alors que 17 des 19 surveillants qui occupent des postes désignés bilingues au Nouveau-Brunswick satisfont aux exigences, à peine 77,8 p. 100 de ceux qui travaillent dans la région de la capitale nationale ont les compétences linguistiques appropriées.

La participation des deux groupes linguistiques est généralement bonne dans l'ensemble du Ministère et au sein des diverses catégories professionnelles, compte tenu de son mandat, de l'emplacement de ses bureaux et de sa clientèle. Les francophones occupent 2 839 des 11 177 postes, soit 25,4 p. 100 (1,6 p. 100 de moins qu'en 1989).

Comme par le passé, la majorité des 90 plaintes mettant en cause le Ministère en 1990 concernait le service au public voyageur. L'augmentation du nombre de plaintes (51 de plus qu'en 1989) est partiellement attribuable à la mise en place du service de perception de la TPS. Le Ministère a bien collaboré avec le Commissariat dans le traitement de ces plaintes.

Revenu Canada (Impôt)*

En 1990, le ministère du Revenu national (Impôt) a continué de marquer des points sur le plan linguistique et cherche à se conformer le plus fidèlement possible à l'esprit et à la lettre de la *Loi sur les langues officielles*. Les résultats sont particulièrement visibles dans le domaine du service au public et dans les activités entreprises pour assurer au français la place qui lui revient en milieu de travail. Par ailleurs, la participation des deux groupes linguistiques demeure équitable dans l'ensemble. Cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la Loi a eu des effets marqués depuis sa promulgation en 1988.

Sur le plan du service au public, la case ajoutée aux déclarations de revenus T-1 en 1989, qui permet au signataire d'indiquer sa préférence linguistique, s'est révélée très utile pour déterminer la langue de toute correspondance subséquente. En 1990, cinq plaintes (toujours à l'étude) ont été portées à notre attention à ce sujet, comparativement à 23 l'an dernier. Dans les secteurs desservant le public, le Ministère offre activement ses services dans les deux langues officielles au téléphone et en personne, de même que par l'affichage. Le bureau de la rue Pender à Vancouver peut être cité en exemple, puisqu'il est un modèle d'offre active tant pour l'accueil de la clientèle que pour l'affichage extérieur et intérieur. À Sudbury, la marche à suivre pour les appels téléphoniques en français a été modifiée afin de mieux répondre aux besoins des francophones de cette région. En outre, la vidéocassette intitulée « Good morning... Bonjour », préparée par le Conseil du Trésor, a été remise à tous les employés affectés au service téléphonique.

De façon globale, la capacité bilingue du Ministère s'est améliorée en 1990. Sur le plan des services de vérification, les bureaux de Toronto comptent maintenant 12 vérificateurs bilingues, alors que ceux d'Edmonton et de Vancouver en comptent deux et trois respectivement. Afin d'être mieux à l'écoute de sa clientèle sur le plan linguistique, le Ministère privilégie les relations avec les différentes associations minoritaires du pays et a généralement recours aux journaux qui

leur sont destinés. Toutefois, pour corriger certaines lacunes relativement à l'utilisation de la presse de langue officielle minoritaire, le Ministère a préparé un document de politiques qui sera incorporé au Manuel des opérations de l'impôt.

Au chapitre de la langue de travail, plusieurs activités ont marqué favorablement le cours de l'année 1990, donnant de plus en plus au français la place qui lui revient. Le Ministère a préparé et diffusé à l'intention de ses employés une brochure récapitulant les divers aspects de sa politique en matière de langues officielles. En ce qui touche les réunions, celles du comité de la haute gestion se déroulent en français et en anglais, et les comptes rendus reflètent cette pratique. Le sous-ministre a fait parvenir la trousse du Conseil du Trésor sur la présidence des réunions à ses cadres supérieurs qui ont été invités à en faire usage dans chacun des bureaux bilingues du pays. Le nombre de surveillants qui occupent un poste désigné bilingue et qui répondent aux exigences de leur poste a augmenté : de 87,2 p. 100 qu'il était en 1989, il est passé à 89,5 p. 100 en 1990. Bien que le niveau intermédiaire de compétence linguistique soit celui qui est généralement exigé des surveillants, plusieurs postes ont déjà été désignés au niveau supérieur. Une revue de l'identification linguistique des postes récemment entreprise par le bureau principal permettra d'évaluer si les niveaux actuels répondent bien aux besoins d'encadrement du personnel dans l'une ou l'autre langue. En vue de créer un milieu plus propice à l'utilisation des deux langues, le Ministère a mis sur pied un programme de suivi à la formation linguistique et y a affecté des personnes-ressources au bureau principal et en région. Sur le plan de l'informatique, le Ministère a prévu des mesures dans le cadre du protocole d'entente qui sera signé avec le Conseil du Trésor afin de respecter les dispositions de la Loi à cet égard.

Étant donné son mandat, sa clientèle et l'emplacement de ses bureaux, la participation des deux groupes linguistiques demeure satisfaisante puisque les anglophones occupent 72,3 p. 100 et les francophones 27,7 p. 100 des 18 864 postes du Ministère. Malgré une hausse de 1 p. 100 depuis l'an dernier, la participation anglophone demeure trop faible dans la catégorie Soutien administratif (67,1 p. 100). Au Québec, le taux de participation anglophone reste encore faible, puisqu'il se situe à 4,8 p. 100.

Le programme des langues officielles est géré par une équipe dynamique qui en assure la mise en œuvre dans les activités quotidiennes du Ministère. Les gestionnaires sont bien au courant de leurs obligations et leur évaluation tient compte de leur rendement en matière de langues officielles.

En 1990, nous avons instruit 37 plaintes par rapport à 63 l'an dernier. Toutes les plaintes, sauf deux, touchaient la langue de service. Le Ministère continue de traiter les dossiers avec promptitude et efficacité.

Santé et Bien-être social Canada

Étant donné sa très nombreuse clientèle, le ministère de la Santé et du Bien-être social s'acquitte bien de ses responsabilités linguistiques en matière de service au public. Toutefois, même si des progrès ont été réalisés, le français n'occupe toujours pas la place qui lui revient comme langue de travail. De plus, même si dans l'ensemble le taux de participation des francophones et des anglophones est équitable, il existe encore des déséquilibres dans certains secteurs et dans certaines régions. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Le Ministère offre ses services au public dans les deux langues officielles. Il a déterminé lesquels de ses bureaux sont situés dans les régions où la demande est importante et il y a placé des affiches indiquant la disponibilité du service dans les deux langues officielles. Les employés répondent au téléphone dans les deux langues, ils adressent la correspondance dans la langue du client et toutes les publications sont bilingues.

La Direction générale de la sécurité du revenu a demandé à chaque client de lui indiquer dans quelle langue il désirait être servi et elle entretient des relations étroites avec les minorités de langue officielle. Ensemble, ses bureaux de Montréal et de Toronto répondent quotidiennement dans les deux langues à quelque 5 000 demandes de la part du public. Le bureau principal de Toronto des Programmes de la sécurité du revenu compte une soixantaine d'employés dont la fonction principale consiste à servir les clients du Grand Toronto et d'Oshawa, en personne ou par téléphone. Étant donné que le bureau reçoit des milliers d'appels chaque jour, une ligne spéciale a été installée à l'intention de la clientèle francophone. Cette initiative donne de bons résultats.

La Direction générale des services médicaux, qui offre des services principalement aux autochtones et aux fonctionnaires, doit surmonter les difficultés que pose la prestation de services bilingues dans des localités isolées.

Dans le domaine de la langue de travail, bien qu'il lui reste encore du chemin à faire, le Ministère a pris des mesures pour donner au français la place qui lui revient. Les réunions du comité exécutif et celles de la plupart des directions générales ont lieu dans les deux langues. À cet égard, les gestionnaires se sont vu rappeler leurs obligations en matière de langues officielles et l'évaluation du rendement des hauts fonctionnaires porte notamment sur leur capacité de surveiller le personnel dans les deux langues. Cependant, il reste des faiblesses à corriger dans la catégorie Scientifique et professionnelle où 22 p. 100 des titulaires de postes de surveillants (54 sur 246) ne satisfont pas aux exigences linguistiques. À peu près tous les documents de travail sont produits dans les deux langues officielles et les services centraux de même que les services du personnel sont

disponibles dans la langue préférée des employés. Même s'il y a eu amélioration, les communications entre l'administration centrale et la région du Québec ne se font pas toujours en français.

Étant donné le mandat, la clientèle et l'emplacement des bureaux du Ministère, le taux de participation des francophones et des anglophones est équitable dans l'ensemble (24 p. 100 et 76 p. 100 respectivement). Toutefois, il existe toujours des déséquilibres dans certaines régions et dans certains secteurs. Par exemple, les francophones ne représentent que 16 p. 100 des membres de la catégorie Gestion et, au Québec, la participation des anglophones est faible (4 p. 100).

Au total, 30 plaintes fondées ont été formulées à l'endroit de Santé et Bien-être social Canada en 1990, comparativement à 53 en 1989. De ce nombre, 14 concernaient Condition physique et Sport amateur et étaient reliées aux services offerts par les divers organismes sportifs. Les autres plaintes se rapportaient à des communications verbales et écrites avec le public. Dans tous les cas, le Ministère a traité les plaintes avec minutie et célérité.

Secrétariat d'État*

Le programme des langues officielles au Secrétariat d'État se porte très bien en matière de langue de service et de langue de travail en raison du degré élevé de bilinguisme chez ses employés. Cependant, des lacunes existent encore sur le plan de la participation équitable des deux groupes linguistiques. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Qu'il s'agisse de publications destinées au public, d'accueil téléphonique ou en personne ou de transactions avec les représentants de diverses minorités ou de gouvernements provinciaux, le Secrétariat d'État s'acquitte généralement bien de ses obligations linguistiques en matière de service au public. Cependant, comme le démontre notre rapport de vérification linguistique des cours de citoyenneté, certaines d'entre elles ne sont pas toujours en mesure d'offrir activement leurs services dans les deux langues officielles. Qui plus est, la capacité bilingue d'un bon nombre de juges n'est toujours pas suffisante. En effet, tout comme en 1989, on ne compte que 32 p. 100 de juges bilingues (16 sur 50). Mentionnons toutefois que dix juges suivent présentement des cours de formation linguistique. Cette situation dure depuis plusieurs années et il serait temps que le gouvernement s'en préoccupe de façon sérieuse.

Dans le domaine de la langue de travail, les deux langues officielles occupent la place qui leur revient. Les réunions du comité de la haute gestion sont tenues dans les deux langues officielles et les participants interviennent dans la langue de leur choix. Sur 272 postes bilingues affectés à la surveillance, 244 (89,7 p. 100)

titulaires satisfont aux exigences linguistiques de leur poste. De ce nombre, 45,5 p. 100 ont atteint le niveau supérieur de connaissance linguistique. Tous les autres éléments (réunions des employés, documents de travail, services centraux) sont réunis afin que les employés puissent travailler dans la langue officielle de leur choix.

Compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux, la participation des anglophones est faible au sein de cet organisme. Sans compter le personnel du Bureau de la traduction, les anglophones ne représentent que 48,4 p. 100 de l'effectif, soit une diminution de 7,6 p. 100 depuis six ans. Leur participation est surtout faible dans les catégories Soutien administratif (32,8 p. 100) et Administration et service extérieur (48,9 p. 100). Au Québec, le taux de participation des anglophones se maintient à 10,3 p. 100, l'un des meilleurs rendements dans cette province.

Nous avons reçu 17 plaintes fondées contre le Secrétariat d'État en 1990, comparativement à 14 en 1989. Elles concernent surtout le service au public (correspondance et communications téléphoniques). Le Secrétariat a fait preuve d'une excellente collaboration dans le traitement de ces plaintes.

Service correctionnel

En 1990, le Service correctionnel du Canada (SCC) a fait des progrès dans plusieurs secteurs du service au public. Cependant, le français n'occupe toujours pas la place qui lui revient comme langue de travail à l'administration centrale et au Nouveau-Brunswick. Enfin, le taux de participation des anglophones demeure, dans l'ensemble, encore un peu faible. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas eu tout l'effet voulu depuis sa promulgation en 1988.

Cette année, le SCC a embauché 21 professionnels de la santé bilingues (60 p. 100 de son objectif), ce qui a réduit de 35 à 14 le nombre d'infirmier(ère)s, de médecins, de psychiatres et de psychologues bilingues qui lui manque pour être en mesure d'assurer à l'ensemble de sa clientèle des services de santé adéquats dans l'une ou l'autre langue officielle. Nous félicitons le Service pour cette réalisation. Cependant, nous avons reçu cette année des plaintes à ce sujet de la part de détenus francophones du pénitencier de Kent en Colombie-Britannique et de la Prison des femmes à Kingston (Ontario). Quant au pénitencier de l'Atlantique situé à Renous au Nouveau-Brunswick, il est toujours et ce, depuis son ouverture en 1987, sans médecin généraliste pouvant pratiquer en français et ne dispose que d'une seule infirmière bilingue. En revanche, notons que le pénitencier de Dorchester (Nouveau-Brunswick), qui offre des services de santé dans les deux langues officielles, est un exemple à suivre.

La région du Québec éprouve toujours des difficultés à fournir aux détenus anglophones, dans les délais prescrits, un exemplaire dans leur langue des rapports préparés à leur sujet pour la Commission nationale des libérations conditionnelles. Cette situation a encore suscité deux plaintes cette année aux établissements de Cowansville et Archambault. L'administration régionale du Service correctionnel a mis beaucoup plus de temps que prévu à régler ce problème, dont nous avons fait état pour la première fois en 1988, en raison de la grève des agents de gestion des cas à l'automne 1989. Nous espérons que les mesures prises en 1990 seront efficaces.

Au chapitre de la langue de travail, le comité de gestion accorde une importance égale aux deux langues officielles durant ses réunions et 18 des 32 gestionnaires du groupe EX dans les régions bilingues ont une connaissance supérieure des deux langues officielles. Bien qu'une étude commandée par le Service correctionnel révèle que, dans la région de la capitale nationale, où plus de 60 p. 100 des employés sont bilingues, les deux langues officielles peuvent généralement être utilisées dans le cadre de ses activités, nous croyons que de sérieux problèmes persistent car le français n'a pas la place qui lui revient comme langue de travail. Encore beaucoup d'ébauches unilingues anglaises sont diffusées pour commentaires et plusieurs documents émanant de l'administration centrale sont acheminés à la région du Québec en anglais seulement.

Le taux global de participation des anglophones reste sensiblement le même que l'année dernière (66,7 p. 100 en 1990), mais il nous paraît un peu faible compte tenu du mandat de l'organisme, de sa clientèle et de l'emplacement de ses bureaux. Le SCC éprouve beaucoup de difficultés à attirer les anglophones du Québec qui ne représentent que 1,5 p. 100 de son effectif régional. Dans la région de la capitale nationale, sur 432 employés, seulement 249 (57,6 p. 100) sont d'expression anglaise. En Ontario, ce sont les employés d'expression française qui sont en moins grand nombre (2,6 p. 100 de l'effectif). En Atlantique, cependant, la situation demeure bonne, les francophones y occupant 20,6 p. 100 des postes (30 p. 100 au Nouveau-Brunswick).

Sur le plan de la gestion du programme des langues officielles, mentionnons que le SCC a revu sa politique en matière de services aux détenus ainsi que son processus de planification et a adopté de meilleures méthodes de contrôle.

Nous avons instruit 45 plaintes concernant le SCC (comparativement à 32 en 1989), la plupart provenant de détenus. Le Service collabore bien dans le règlement de ces plaintes.

Société canadienne des postes

La Société canadienne des postes dispense des services dans les deux langues officielles un peu partout au pays. De nouveau en 1990, la Société devait s'efforcer de combler les lacunes systémiques signalées en matière de service au

public. Dans certains secteurs clés, des postes bilingues continuent d'être occupés par des employés unilingues. Quant aux établissements privatisés, les plaintes révèlent que le contrôle du respect des exigences linguistiques doit être amélioré. Parmi les faits positifs, mentionnons une baisse marquée du nombre de plaintes concernant le recours à la presse minoritaire. Pour ce qui est de la langue de travail, la Société devra poursuivre ses efforts en vue d'assurer au français la place qui lui revient de droit au siège social et dans la région d'Ottawa. Par contre, en dépit de la réduction de l'effectif et d'un gel de la dotation, la participation globale des deux groupes linguistiques demeure équitable. Vers la fin de l'année, la Société canadienne des postes a fait parvenir à quelque 30 000 employés des bureaux et des régions bilingues une brochure d'information sur les langues officielles et annonçait la disponibilité de services postaux dans les deux langues officielles aux points de vente désignés. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a pas eu tout l'effet voulu depuis sa promulgation en 1988.

La Société exploite directement ou indirectement 8 305 établissements postaux, dont 1 346 (16,2 p. 100) offrent des services bilingues. Bon nombre de ces établissements s'acquittent adéquatement de cette obligation, mais beaucoup d'autres ne sont en mesure ni de garantir la prestation continue du service dans les deux langues officielles, ni d'offrir activement des services bilingues. À certains endroits, les plaintes soulèvent également des questions liées au nombre limité de points de service bilingues et à leur emplacement. À Moncton, par exemple, la Société a ouvert une importante concession postale au centre de la ville sans exiger du concessionnaire qu'il assure le service en français. À Fredericton, elle a supprimé la clause de bilinguisme d'un contrat relatif à un comptoir postal lorsqu'elle a conclu une entente avec un nouveau concessionnaire, alors que le précédent avait fait état d'une demande régulière de services en français. Le bureau de poste central à Charlottetown n'a toujours pas remédié à l'insuffisance de ses ressources bilingues.

La Société a entrepris de réorganiser ses services de vente au détail. Nous l'encourageons à fonder ses décisions quant aux emplacements de ses points de vente sur des critères conformes aux exigences de la Loi et à l'avant-projet de règlement sur le service au public, sans quoi il lui sera impossible de répondre aux besoins de sa clientèle de la minorité linguistique et de respecter ses droits. En outre, il lui faudra tenir des consultations préliminaires approfondies avec les associations minoritaires de sorte que le réaménagement des services de vente au détail tienne compte des droits et des besoins de la minorité locale. La Société rencontre régulièrement diverses associations.

La Société canadienne des postes a pris une initiative louable en 1990 en vue d'assurer la nomination d'employés possédant les compétences linguistiques requises aux postes de préposé bilingue au comptoir dans ses propres

établissements postaux. La Société a informé son syndicat qu'elle accepterait la recommandation du Commissaire de mettre en place un régime de dotation impérative et qu'elle avait l'intention de s'y conformer. Nous félicitons la Société pour cet engagement, mais nous sommes néanmoins d'avis que c'est à elle qu'il appartient de déterminer les postes qui doivent être dotés à titre impératif en fonction de ses obligations en matière de service au public.

Il y a trois ans, la Société déclarait qu'il fallait compter en moyenne trois postes bilingues pour assurer un service adéquat dans les deux langues. Or, les plaintes ont permis de constater que certains établissements postaux désignent seulement deux postes bilingues, de sorte que le nombre d'emplois bilingues n'est pas suffisant pour assurer le service durant toutes les heures ouvrables, les pauses et les absences. Dans l'un des bureaux que nous avons visités à la suite de plusieurs plaintes, un des trois postes bilingues avait été supprimé depuis l'année précédente. Au moment de notre visite, l'un et l'autre titulaires bilingues étaient en congé pour plusieurs semaines, privant ainsi le bureau de toute capacité bilingue. Le troisième poste bilingue a été rétabli par la suite. Cependant, en même temps, la dotation n'a donné lieu qu'à la nomination d'un seul titulaire bilingue parmi les trois.

Environ la moitié des plaintes relatives au service au comptoir et à l'affichage concernaient des établissements privatisés. Les exploitants de points de service bilingues s'engagent par contrat à assurer le service dans les deux langues officielles, mais de nombreuses plaintes montrent que la Société doit renforcer ses mécanismes de contrôle. Nous examinons actuellement un nouveau système, annoncé en 1989, visant le contrôle des activités des établissements privatisés. De plus, la clause linguistique standard insérée dans les contrats des concessions désignées bilingues ne fait aucunement mention de la notion d'offre active et ne définit pas la capacité bilingue minimale.

Quant à la langue de travail, le français ne bénéficie pas d'un statut approprié au sein de la Société. L'unilinguisme de certains surveillants dans la région d'Ottawa ne contribue guère à l'instauration d'un climat de travail propice à l'usage des deux langues officielles. Les mécanismes mis en place en vue de surveiller l'utilisation des langues au cours des réunions n'avaient encore donné lieu à aucun commentaire à la fin de l'année. Par contre, plusieurs plaintes ont révélé que d'autres mécanismes visant à vérifier la langue des documents n'avaient pas empêché la diffusion de documents unilingues anglais à l'occasion de réunions tenues à Québec et à Montréal. D'autres plaintes à l'étude à la fin de l'année portaient sur des communications téléphoniques unilingues anglaises entre le siège social et le Québec.

Malgré la compression de l'effectif et un gel de la dotation, la Société a su maintenir une participation équilibrée, compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux : 74 p. 100 d'anglophones et 26 p. 100 de

francophones. Les francophones constituent 27,5 p. 100 des membres de la haute direction, et leur taux de participation parmi les gestionnaires et les directeurs s'améliore (24 et 20 p. 100 respectivement, contre 23,5 et 17,5 p. 100 en 1989). Cependant, la participation anglophone au Québec — déjà inacceptable en 1989 (2,5 p. 100) — n'est plus que de 2 p. 100.

Nous avons reçu 297 plaintes fondées contre la Société en 1990, soit 54 de moins qu'en 1989. Cette diminution est attribuable en grande partie à une amélioration considérable du recours à la presse minoritaire, qui a été le sujet de seulement trois plaintes en 1990, comparativement à 52 en 1989. Les autres plaintes témoignent de la persistance de certains problèmes systémiques sur le plan du service au public dans les propres établissements de la Société et dans ses concessions, ainsi que de l'usage du français comme langue de travail. En outre, nos rapports avec la Société nous ont appris qu'il faut souvent revenir à la charge pour faire respecter les exigences linguistiques.

Société canadienne d'hypothèques et de logement*

Notre suivi de la vérification linguistique, entreprise en 1989 et dont le rapport est paru en 1990, nous a permis de constater que la Société canadienne d'hypothèques et de logement (SCHL) a fait des progrès dans la mise en œuvre de nos recommandations. De façon générale, en 1990, la Société a continué de bien s'acquitter de ses responsabilités en matière de service au public dans la plupart de ses bureaux désignés bilingues. Par contre, en dépit de quelques améliorations, des lacunes subsistent sur le plan de la langue de travail et il existe toujours des déséquilibres quant à la participation équitable des deux groupes linguistiques. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu que peu d'effet depuis sa promulgation en 1988.

Au chapitre du service au public, la Société offre activement ses services dans les deux langues officielles, au téléphone ou en personne, et fournit la documentation sur les services et les programmes en matière de logement dans les deux langues. Les enseignes et l'affichage en général sont bilingues dans tous les bureaux. La SCHL a émis en janvier 1990 une directive concernant l'utilisation des médias de langue minoritaire pour les avis, les annonces, les appels d'offres et les possibilités d'emploi. Malgré ce rappel, nous avons reçu 15 plaintes concernant la non-publication d'annonces dans la presse de langue française.

En règle générale, le public peut s'attendre à recevoir des services dans les deux langues officielles dans les bureaux désignés bilingues de la SCHL. Cependant, à Sault-Sainte-Marie, aucun des deux titulaires de poste bilingue ne répond aux exigences linguistiques. Pour ce qui est de ses publications, la Société rend disponibles dans les deux langues officielles de nombreux ouvrages pour sa

clientèle spécialisée et le grand public. Toutefois, des rapports de recherches à caractère technique ou scientifique, effectuées pour le compte de la SCHL, pouvant intéresser non seulement ses clients mais aussi le public, sont unilingues anglais. À la suite de nos interventions, la Société a entrepris la révision de ses principes directeurs concernant la publication de ces rapports dans les deux langues officielles.

En matière de langue de travail, la SCHL a pris des mesures pour améliorer le statut du français qui n'occupe pas la place qui lui revient au sein de cet organisme. Le français n'est pas souvent employé au cours des réunions, sauf au Québec, que ce soit à l'occasion d'assemblées générales au Bureau national, de réunions regroupant les gestionnaires du Bureau national et des régions, ou de réunions internes des divisions. Les interventions en français sont plus fréquentes aux réunions du comité de gestion et à celles de quelques secteurs où il y a une concentration de francophones et d'anglophones bilingues. Le taux élevé de surveillants unilingues anglais occupant des postes bilingues, 27,1 p. 100 au Bureau national (56 sur 207), 29,7 p. 100 dans la région de l'Ontario (11 sur 37) et 53,3 p. 100 dans la région de l'Atlantique (8 sur 15), ainsi que le peu de postes de surveillance bilingues exigeant le niveau supérieur de compétence linguistique, soit 67 sur un total de 323 postes (20,7 p. 100) constituent un handicap sérieux à l'usage du français. La Société devra déployer des efforts supplémentaires en vue de créer un milieu de travail propice à l'utilisation des deux langues officielles.

Les documents officiels et les documents de travail sont bilingues. Les cours de formation et de perfectionnement sont offerts en français et en anglais, et un plus grand nombre d'employés francophones se prévalent de leurs droits. Les services centraux et du personnel sont disponibles dans les deux langues au Bureau national et au Québec, mais ne le sont pas toujours dans les régions de l'Atlantique et de l'Ontario.

La SCHL compte 2 795 employés. Compte tenu de son mandat, de sa clientèle et de l'emplacement de ses bureaux dans des régions bilingues comptant la majorité des employés, la participation globale nous paraît équitable : les anglophones forment 70,2 p. 100 (1 963) du personnel et les francophones, 29,8 p. 100 (832). La Société n'a pas réussi à corriger certaines irrégularités, les mêmes que par le passé, soit le nombre insuffisant d'anglophones au Québec, (3,5 p. 100) et au Bureau national dans la catégorie Technique (26,7 p. 100) ainsi que dans les catégories Soutien administratif (50,8 p. 100) et Exploitation (53,6 p. 100). Pour leur part, les francophones sont peu nombreux à l'ouest de l'Ontario (3,4 p. 100).

Le Groupe des langues officielles a sensibilisé les employés et les gestionnaires à leurs obligations et à leurs droits linguistiques. Des directives ont été émises, mais la Société doit modifier son Manuel de directives et de méthodes afin de l'adapter aux aspects particuliers de la Loi de 1988.

Nous avons reçu 21 plaintes fondées en 1990 à l'endroit de la Société, comparativement à 32 l'année dernière. Quinze avaient trait à l'absence d'annonces en français dans les journaux de la minorité, trois concernaient l'affichage unilingue anglais, deux étaient reliées aux services téléphoniques et une traitait de l'absence de personnel bilingue à la succursale de Timmins. La SCHL a fait montre d'un bon esprit de collaboration dans le règlement de ces plaintes.

Société Radio-Canada

La Société Radio-Canada (SRC) a réalisé des progrès en matière de service au public et a su, encore cette année, maintenir un bon rendement à cet égard. En outre, le milieu de travail devient de plus en plus propice à l'utilisation des deux langues officielles au siège social de la SRC et à Ottawa. Par ailleurs, bien que la participation des deux groupes linguistiques soit équitable dans l'ensemble, le taux de participation des anglophones est toujours faible au siège social. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

Il nous apparaît évident que les récentes compressions budgétaires à la SRC ont des répercussions négatives sur les minorités de langue officielle. Par exemple, l'amputation des services de télédiffusion française à Toronto va carrément à l'encontre de la recommandation formulée dans notre *Rapport annuel 1988* concernant l'amélioration des services aux communautés minoritaires dans cette région.

En 1990, la SRC a mis l'accent sur l'amélioration du service au public. C'est ainsi qu'à Vancouver elle a recruté des gardes de sécurité bilingues et rendu l'affichage bilingue. À Charlottetown, une ligne téléphonique sans frais pour les appels en français a été mis en service et le service d'accueil bilingue a été amélioré. À Toronto, cependant, les efforts de la Société n'ont pas encore donné de résultats faute d'avoir pu trouver des gardes bilingues. L'accueil téléphonique bilingue existe toutefois dans tous ses établissements bilingues et généralement dans ceux de la radiotélévision régionale qui n'émettent que dans une seule langue. Dans la région de la capitale nationale, les préposés à l'accueil téléphonique commencent à utiliser les deux langues officielles dans le cadre de leur travail.

L'étude sur les besoins des francophones hors Québec en matière de programmation radiodiffusée a été déposée en 1990 et la SRC est présentement en discussion avec le Secrétariat du Conseil du Trésor en ce qui concerne sa mise en œuvre.

Au chapitre de la langue de travail, la situation s'est également améliorée au cours de l'année. Le comité supérieur de gestion fonctionne dans les deux langues. Au siège social comme dans les bureaux d'Ottawa, le milieu de travail est de plus en plus propice à l'utilisation des deux langues et les éléments

commencent à être en place pour favoriser la tenue de réunions de travail bilingues dans la plupart des secteurs. On ne peut confirmer cependant que le français y occupe toute la place qui lui revient. Par exemple, les communications adressées aux employés ne sont pas toujours bilingues dans tous les groupes de travail. Ailleurs au pays, dans le cadre de son concept de réseau hôte, la Société réussit à donner une bonne qualité de services centraux et du personnel aux employés du réseau français à Winnipeg, par exemple, et à ceux du réseau anglais à Montréal. De plus, la SRC a réalisé des progrès dans la bilinguisation des principaux systèmes informatiques.

Dans ses deux grandes composantes, soit les réseaux français et anglais, la SRC comptait, à la fin de 1990, un effectif total de 11 180 employés, dont 56 p. 100 sont anglophones et 44 p. 100 sont francophones. Au quartier général, les anglophones ne sont pas suffisamment nombreux puisqu'ils n'occupent que 61 p. 100 des postes de cadre et seulement 32 p. 100 des postes de soutien administratif. Nous revenons donc à la charge de nouveau cette année pour rappeler à la SRC qu'il lui faudra redresser cette situation, compte tenu de son mandat, de son public et de l'emplacement de ses bureaux.

La Société a beaucoup accompli depuis un an. Notons en particulier l'amélioration du programme de formation linguistique et la solution des problèmes en matière de service au public. Il lui faudra maintenant réaliser les projets qu'elle avait prévus l'an dernier : élaborer un meilleur système de gestion des données, recenser les instruments de travail et réviser les exigences linguistiques de ses postes. Elle devra aussi se pencher sur la question de l'imputabilité des gestionnaires en matière de langues officielles.

Nous avons reçu 14 plaintes fondées à l'endroit de la Société Radio-Canada en 1990, soit 36 de moins que l'an dernier, ce qui représente une réduction considérable. Elles concernaient toutes le service au public et en particulier l'accueil dans les bureaux. Nous discutions toujours en fin d'année du besoin d'afficher des avis de concours bilingues pour les postes français ou anglais essentiel situés dans les régions à demande importante. Nous avons pu régler rapidement chacune des plaintes grâce à la collaboration empressée de la Société.

Statistique Canada

En 1990, Statistique Canada s'est bien acquitté de ses obligations linguistiques en matière de service au public. Malgré certains efforts, le français n'occupe pas toujours la place qui lui revient comme langue de travail et des déséquilibres subsistent quant à la participation équitable des deux groupes linguistiques. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu un certain effet depuis sa promulgation en 1988.

Du point de vue du service au public, Statistique Canada accorde beaucoup d'importance à ses relations et à ses communications avec son public répertorié ainsi qu'avec les usagers de ses données statistiques. La signalisation est bilingue dans tous les bureaux où on utilise aussi le symbole d'offre active des services dans les deux langues. Les publications et les questionnaires utilisés pour la collecte de données statistiques sont bilingues et les documents en éditions séparées portent une mention indiquant leur disponibilité dans l'autre langue officielle. Statistique Canada tient compte des préférences linguistiques de sa clientèle et les listes de distribution sont tenues à jour. Certains bureaux régionaux peuvent répondre aux demandes de renseignements statistiques dans les deux langues officielles alors que d'autres doivent utiliser le réseau central bilingue de diffusion électronique.

Au chapitre de la langue de travail, les réunions de la haute direction se déroulent dans les deux langues officielles. Par contre, la proportion de surveillants qui ne répondent pas aux exigences linguistiques de leur poste se maintient au taux élevé de 23,4 p. 100 dans la région de la capitale nationale (244 sur 1 041). De plus, seulement 10,1 p. 100 (109) des postes de surveillance exigent le niveau de connaissance linguistique supérieur. Ainsi, le choix de la langue de surveillance demeure aléatoire pour bon nombre de francophones.

Les documents d'usage courant de même que les services centraux et du personnel sont disponibles dans les deux langues officielles. Par contre, le français n'occupe pas la place qui lui revient dans les réunions même si les participants ont le choix de l'une ou l'autre langue officielle. Les logiciels de l'organisme, utilisés pour les projets d'envergure, les guides et les manuels, de même que les services pour les utilisateurs d'ordinateurs sont disponibles en français et en anglais. Toutefois, certains logiciels de haute technologie achetés et utilisés par les spécialistes sont en anglais, ainsi que la documentation afférente. L'organisme a entrepris une étude de ses nombreux systèmes secondaires afin d'évaluer la situation et d'accroître le nombre de ses systèmes disponibles dans les deux langues officielles.

Sur le plan de la participation équitable, compte tenu du mandat de l'organisme, de sa clientèle et de l'emplacement de ses bureaux, nous notons toujours une faible participation des anglophones, soit 62,7 p. 100 (2 780 employés). En 1990, la participation anglophone s'est améliorée dans deux catégories d'emploi, soit dans la catégorie Technique (de 62,6 p. 100 qu'elle était en 1989, elle est passée à 63,1 p. 100 en 1990) et dans la catégorie Administration et service extérieur (61,3 p. 100 en 1989 par rapport à 63 p. 100 en 1990), mais on constate un léger recul dans celle du Soutien administratif (58,3 p. 100 en 1989 contre 57 p. 100 en 1990). On s'est employé, depuis plusieurs années, à augmenter la participation des francophones dans la catégorie Scientifique et professionnelle (qui est passée de 15 p. 100 en 1980 à 26,9 p. 100 en 1990). Dans la catégorie

Gestion, la participation des francophones, qui demeure plutôt stationnaire, nous paraît un peu faible (22,4 p. 100). Quant à la présence anglophone au Québec, la participation a baissé de 1,1 p. 100 cette année pour se situer à 9,9 p. 100.

En 1990, Statistique Canada a fait l'objet de 13 plaintes, comparativement à 14 l'année dernière, dont 11 concernaient le service au public, une avait trait à la langue de travail et une autre portait sur la participation équitable. Dans tous les cas, le Ministère a fait le nécessaire en vue de redresser la situation.

Transports

Nos observations et nos études de cette année nous ont permis de conclure qu'en règle générale Transports Canada offre des services adéquats dans les deux langues, bien que ses tiers conventionnés n'en fassent pas autant. Nous avons aussi constaté certains progrès dans le domaine de la langue de travail, mais le français n'occupe toujours pas la place qui lui revient au sein de ce Ministère. Enfin, malgré certains déséquilibres qui perdurent sur les plans sectoriel et régional, le taux de participation des deux groupes linguistiques est équilibré dans l'ensemble. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu qu'un effet relatif depuis sa promulgation en 1988.

Aux yeux du public canadien, la grande visibilité du Ministère est surtout notable dans les aéroports de toutes les régions du pays. Une étude, faite cette année sur l'offre active et la prestation des services dans 14 des aéroports canadiens, a démontré que la capacité de servir le public dans la langue de son choix varie d'un aéroport à l'autre. Cependant, l'aéroport international d'Ottawa ne peut garantir tous les services essentiels dans les deux langues, même celui des premiers soins. De plus, les contrôles exercés quant à la prestation des services laissent à désirer, ce qui est particulièrement inquiétant étant donné les démarches du Ministère visant la cession de la gestion de certains aéroports à des administrations aéroportuaires locales. Enfin, pour la deuxième année, Transports Canada poursuit ses consultations auprès du ministère de la Justice en vue d'inclure des exigences linguistiques dans la réglementation couvrant les domaines de la sécurité aérienne (annonces de sécurité à bord des vols et services d'inspection pré-embarquement).

En revanche, notons qu'en collaboration avec le Secrétariat du Conseil du Trésor et Statistique Canada, Transports Canada élabore en ce moment des questionnaires devant servir à des sondages en vue de mesurer les besoins linguistiques et le degré de satisfaction du public. Certaines études ont déjà été faites dans le secteur de la Marine, alors que celui de l'Aviation en est à élaborer ses propres questionnaires. Enfin, en juin 1990, le Ministère a pu mettre en place, à la tour de contrôle de l'aéroport d'Ottawa, certaines mesures permettant le contrôle de la circulation aérienne en français et en anglais pendant les heures d'achalandage.

Transports Canada continue d'éprouver plusieurs difficultés dans le domaine de la langue de travail. Parmi les initiatives qui devraient aider le Ministère à créer un milieu de travail plus propice à l'utilisation des deux langues, mentionnons tout d'abord la volonté de la haute direction, dont les réunions se tiennent dans les deux langues officielles. Le faible pourcentage des surveillants (75 p. 100) pouvant exercer leurs fonctions dans les deux langues demeure parmi les obstacles les plus difficiles à surmonter, sans compter les instruments de travail de nature technique qui ne sont pas toujours disponibles dans la langue préférée de l'employé.

De plus, le Ministère a remis à tous les chefs de secteur un exemplaire de la brochure et une copie de la bande vidéo, préparées par le Conseil du Trésor, sur l'égalité de statut des deux langues officielles dans les réunions et certains groupes ont même affiché la politique à ce sujet dans leurs salles de conférence. Cette année, Transports Canada a pris une mesure fort heureuse en ajoutant dans ses contrats d'acquisition d'équipement une clause exécutoire exigeant des fournisseurs que le matériel et les manuels d'instructions soient livrés dans les deux langues officielles, afin de permettre aux employés de suivre leur formation dans la langue de leur choix. Cette politique vaut aussi pour les systèmes informatisés d'usage courant et généralisé, qui permettent de produire des documents dans les deux langues. Transports Canada a une politique stricte quant aux communications écrites avec ses bureaux situés au Québec. Des mécanismes de contrôle ont été instaurés afin de repérer les écarts à cette politique et d'éviter qu'ils ne se reproduisent.

Compte tenu du mandat de l'organisme, de sa clientèle et de l'emplacement de ses bureaux, l'effectif de Transports Canada reflète généralement bien la présence au Canada des deux groupes de langue officielle avec 77,9 p. 100 d'anglophones et 22,1 p. 100 de francophones. Cependant, certains déséquilibres persistent dans la catégorie Gestion, où le taux de francophones n'atteint pas 20 p. 100. En région, Transports Canada se heurte sensiblement aux mêmes problèmes que les autres institutions fédérales, particulièrement au Québec où la participation des anglophones ne se situe qu'à 7 p. 100.

En 1990, le Ministère a poursuivi ses efforts pour améliorer la gestion de son programme des langues officielles. Ainsi, il a créé un comité de coordination pour le traitement des plaintes. Il travaille aussi à une méthodologie d'évaluation de la mise en application du programme. Bien que le protocole d'entente en matière de langues officielles n'ait pas encore été signé avec le Conseil du Trésor, il existe des lettres d'entente entre la sous-ministre et chaque chef de secteur, en vertu desquelles ces derniers doivent présenter un compte rendu annuel au sujet de la mise en œuvre du programme dans leurs secteurs respectifs.

Le nombre de plaintes fondées a diminué cette année : 252 comparativement à 321 en 1989. La grande majorité de ces plaintes sont reliées au service au public voyageur. Le Ministère offre une bonne collaboration dans le traitement de ces plaintes.

Travaux publics

Nous félicitons Travaux publics Canada pour avoir su améliorer, en 1990, les services offerts dans les deux langues officielles tant au public qu'à ses clients d'autres ministères et organismes. Toutefois, le français n'occupe toujours pas la place qui lui revient comme langue de travail au sein du Ministère. De plus, malgré ses efforts, le Ministère n'a pas su corriger certains écarts qui persistent depuis des années en ce qui concerne la participation des francophones et des anglophones. Dans l'ensemble, cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* a eu des effets tangibles depuis sa promulgation en 1988.

En ce qui concerne le service au public, le Ministère est resté dans la bonne voie encore cette année. Il a suivi de près les mécanismes de remplacement conçus pour compenser les lacunes au chapitre de sa capacité bilingue et a accru sa surveillance des entreprises de sécurité en vue de faire respecter les dispositions relatives à la langue dans les contrats de service. Dans un autre ordre d'idées, les plaintes relatives à la presse minoritaire sont passées de 27 en 1989 à 7 seulement en 1990, grâce aux efforts du Ministère dans ce dossier.

Cependant, la langue de travail pose toujours de sérieux problèmes au sein du Ministère. Même si le comité de gestion des cadres supérieurs fonctionne dans les deux langues officielles, il faudra un effort à long terme pour que le français occupe la place qui lui revient comme langue de travail. Dans l'ensemble, 25,8 p. 100 des surveillants ne satisfont pas aux exigences linguistiques de leur poste. À l'administration centrale et dans d'autres services de la région de la capitale nationale, 21,4 p. 100 des gestionnaires et des agents occupant des postes bilingues sont incapables de fonctionner adéquatement dans les deux langues officielles. Le Ministère a pris des mesures louables pour enrayer ce problème, comme promouvoir l'usage des deux langues au cours des réunions du personnel, établir des centres de conseils linguistiques, « jumeler » les employés pour les aider à parfaire leur langue seconde, élaborer des lexiques de termes techniques et d'acronymes et créer un service d'aide à la rédaction dont la valeur est généralement reconnue. Ces mesures méritent des éloges et doivent être poursuivies. Quant à ses obligations linguistiques envers les employés d'autres ministères et organismes, il y a aussi eu des progrès. Soulignons, en particulier, le travail du bureau de Saint-Jean au Nouveau-Brunswick, où le service dans les deux langues officielles s'est constamment amélioré depuis 1986.

Le Ministère n'a guère réussi cependant à redresser les déséquilibres qui persistent sur le plan de la participation. Étant donné son mandat, sa clientèle et l'emplacement de ses bureaux, le taux global de participation des anglophones est assez faible (69,8 p. 100). Par ailleurs, le personnel de la catégorie Scientifique et professionnelle ne compte que 17,3 p. 100 de francophones, alors qu'au Québec, les anglophones ne constituent que 3,1 p. 100 des employés. Les

efforts en vue de corriger ces écarts, tels que le recrutement dans les universités et les collèges anglophones du Québec ainsi que dans les établissements francophones ailleurs au pays, n'ont pas été fructueux jusqu'ici. Nous incitons le Ministère à poursuivre son travail en ce sens.

Il nous faut cependant souligner le dévouement et le professionnalisme dont ont fait preuve cette année les spécialistes du programme des langues officielles, tant à l'administration centrale que dans les bureaux régionaux. Ils sont en effet parvenus à négocier l'intégration des considérations d'ordre linguistique aux politiques et aux activités courantes, ce qui ne peut qu'entraîner une amélioration constante de la situation.

En 1990, nous avons fait enquête sur 30 plaintes concernant le Ministère, comparativement à 48 en 1989. Elles avaient trait à l'accueil (en personne et au téléphone), à la presse minoritaire, à la correspondance, à la dotation et à la langue de travail. Le Ministère a fait preuve de collaboration au cours de l'examen de ces plaintes.

Via Rail

Chez Via Rail, la disponibilité du service en français à bord des trains n'est toujours pas un droit acquis et ce, même au Québec ! Au siège social à Montréal, les deux langues officielles sont utilisées au travail. Dans l'ensemble, la participation des deux groupes linguistiques est toujours équitable en 1990. Cette année, l'analyse des résultats atteints et le dynamisme dont cet organisme a fait preuve dans la mise en œuvre du programme indiquent que la *Loi sur les langues officielles* n'a eu qu'un effet relatif depuis sa promulgation en 1988.

La présence d'employés bilingues à bord des trains est bien souvent laissée au hasard. En effet, la convention collective de la Fraternité canadienne des cheminots, employés de transport et autres ouvriers ainsi que celle des Travailleurs unis des transports continuent d'être un obstacle systémique à l'affectation du personnel bilingue. La capacité bilingue du personnel qui est en contact avec le public est demeurée la même cette année, soit 52,5 p. 100. Chez Via Ontario, dont le personnel est aussi appelé à travailler sur les trains qui circulent au Québec, la capacité bilingue a considérablement diminué; elle est passée de 38 à 31,8 p. 100. Il y a donc des trains, dans le triangle Montréal-Ottawa-Toronto par exemple, où le personnel bilingue est très peu nombreux, voire inexistant. Afin de remédier à ce problème, Via Rail a décidé d'affecter un directeur des services bilingue à tout train dont l'équipage ne comprend pas de personnel bilingue. Via Rail devra déployer des efforts pour minimiser l'effet des réductions de personnel sur la langue de service et pallier l'absence de clauses linguistiques dans ses conventions collectives. Nous sommes heureux de constater que dans les gares où il y a du personnel bilingue, Via Rail a maintenant recours au symbole d'offre active du Conseil du Trésor pour aviser le public de

la disponibilité du service dans les deux langues officielles. De plus, à l'été 1990, à l'occasion d'une étude sur l'offre active de service dans les deux langues officielles, nous avons constaté que cette société a plus de succès à assurer au téléphone qu'en personne le service en français comme en anglais. Lors de 21 appels téléphoniques placés à divers bureaux de Via Rail, nous avons été accueillis 20 fois dans les deux langues officielles et avons été servis dans la langue de notre choix à chaque occasion. Par contre, nous n'avons pu être servis en français à la billetterie des gares de Toronto et de Winnipeg, bien que celles-ci soient identifiées comme des bureaux à demande importante. La gare de Toronto, pour sa part, fait aussi l'objet de 12 plaintes sur l'absence de services en français.

Sur le plan de la langue de travail, Via Rail tente d'augmenter la place qu'occupe le français. Les réunions du conseil d'administration et du comité de gestion au siège social à Montréal se déroulent dans les deux langues et les documents afférents sont bilingues. Plusieurs systèmes informatiques peuvent être utilisés dans les deux langues, dont les deux principaux qui portent sur l'inventaire du matériel dans les trains et aux centres de maintenance. Les manuels et les guides produits par Via Rail à l'intention des utilisateurs sont disponibles dans les deux langues, alors que ceux préparés à l'extérieur ne le sont pas nécessairement. À la fin de l'année, la Société en était à analyser ses besoins en informatique. Elle procédera ensuite à une analyse linguistique des systèmes jugés essentiels afin de se conformer à la Loi de 1988.

Contrairement aux craintes que nous exprimions l'an dernier, le taux de participation des deux groupes linguistiques n'a pas été touché de façon significative par les 2 309 licenciements en 1990. La proportion de francophones a augmenté de 3 p. 100 pour atteindre 39,5 p. 100 (1 954 sur 4 941) alors que les anglophones forment 60,5 p. 100 de l'effectif, ce qui constitue une participation équilibrée compte tenu du mandat, de la clientèle et de l'emplacement des bureaux de Via Rail. Toutefois, dans les régions, la participation a connu quelques fluctuations. Chez Via Atlantique, l'effectif francophone a augmenté de 3,6 p. 100 pour passer à 28,6 p. 100, alors qu'il a diminué de 1,5 p. 100 chez Via Ontario pour s'établir à 4,5 p. 100. Chez Via Québec, la participation anglophone a diminué de 0,6 p. 100 pour se situer à 20,1 p. 100.

Via Rail a fait l'objet de 53 plaintes fondées en 1990, comparativement à 27 l'an dernier. Trente-trois provenaient du public voyageur et les autres avaient trait, entre autres, aux communications au téléphone et à la non-utilisation de la presse minoritaire. Via Rail nous a assuré une bonne collaboration dans le traitement de ces plaintes.

PARTIE IV

La chronique minoritaire

1. Une évolution contrastée

Ni pour la dualité linguistique, ni pour les communautés minoritaires de langue officielle, ni pour le pays, l'année 1990 n'a-t-elle été une année comme les autres. La question linguistique et la vie des minorités ont été profondément marquées durant toute l'année par la saga de l'Accord du lac Meech et par le nouveau débat constitutionnel auquel sa non-ratification a donné naissance. D'autres événements majeurs ont jalonné la scène linguistique, certains ont eu des répercussions positives, d'autres négatives :

- le mouvement de déclarations d'unilinguisme municipal déclenché dès le début de l'année en Ontario dont les répercussions se sont fait sentir dans l'ensemble du pays;

- l'arrêt historique et très positif de la Cour suprême dans l'affaire *Mahé et al. c. l'Alberta* rendu le 15 mars 1990;

- une évolution généralement favorable aux minorités dans ce domaine de l'éducation;

- les recherches et les audiences publiques relatives au projet *Vision d'avenir* de la Commission nationale d'étude sur l'assimilation mise sur pied par la Fédération des jeunes Canadiens français;

- les fermetures de certaines stations régionales, l'annulation de plusieurs émissions et les réductions de service annoncées en fin d'année par la Société Radio-Canada pour faire face à une autre compression de ses ressources financières.

C'est sur cette toile de fond que, dans ce premier chapitre de la Partie IV, nous faisons d'abord état des préoccupations d'ordre constitutionnel des organismes parapluies des communautés minoritaires francophone et anglophone ainsi que des positions qu'elles ont présentées à la Commission parlementaire sur l'avenir politique et constitutionnel du Québec. Dans la foulée de l'arrêt *Mahé et al.* et de

ses effets, nous abordons la question de l'éducation dans la langue de la minorité. Nous présentons un bilan de la mise en place de « systèmes appropriés d'enseignement dans la langue de la minorité » dans chacune des provinces et territoires, rapportons les réalisations de la Commission nationale des parents francophones et présentons une étude générale de la question, effectuée sous l'égide du Commissariat. Puis, nous traitons de l'une des dimensions de la *Loi sur les langues officielles*, soit celle visant à favoriser la prestation en français et en anglais d'une plus grande gamme de services provinciaux, municipaux, privés et bénévoles, et de l'établissement à cette fin de partenariats divers suivant l'approche que privilégie la Loi. Nous terminons notre tour d'horizon en faisant l'analyse de certaines des questions de fond soulevées par le projet *Vision d'avenir* de même que celle des réalisations et des orientations des principaux organismes porte-parole des minorités sur le plan national. De plus, nous proposons notre évaluation des résultats de la politique canadienne de langues officielles et nous signalons certains aspects de l'action du Commissariat aux langues officielles. Dans le deuxième chapitre, nous effectuons un survol, province par province, des principaux dossiers intéressant les minorités de langue officielle.

L'avenir constitutionnel

Les perspectives de l'avenir constitutionnel du Canada qui émergent des cendres de l'Accord du lac Meech sont lourdes de conséquences pour les minorités de langue officielle.

Au lendemain de la conclusion, à l'unanimité, de l'Accord du lac Meech en 1987 par les onze premiers ministres du pays, les porte-parole des communautés minoritaires francophone et anglophone n'ont guère tardé à réitérer leur appui des cinq conditions énoncées par le Québec. Ils n'ont pas manqué non plus de souligner leur satisfaction quant à la reconnaissance de la dualité linguistique comme une caractéristique fondamentale du Canada. Sans jamais remettre en question le bien-fondé du but des négociations qui avaient conduit à cet accord, ils n'ont néanmoins caché ni leurs inquiétudes ni leur sentiment d'avoir été trop longtemps laissés pour compte.

Monsieur Michael Goldbloom, qui venait de passer le flambeau de la présidence d'Alliance Québec à son successeur, avait déclaré à *Langue et Société* (nº 20) : « Nous sommes capables de protéger à la fois le caractère distinct du Québec *et* les droits des minorités ». La communauté d'expression anglaise du Québec aurait voulu que l'accord constitutionnel assurât sans exception la suprématie des droits fondamentaux de la personne. Tout comme les chefs de file des minorités des autres provinces, on souhaitait aussi que soit ajouté à l'engagement de *protéger* la dualité linguistique, celui de la *promouvoir*.

La Fédération des francophones hors Québec (FFHQ) avait la difficile tâche de formuler une position qui devait réconcilier un sentiment d'appartenance à la francophonie canadienne avec les intérêts et le point de vue de chacune des

communautés des deux territoires et des neuf provinces hors Québec. Elle persévéra pendant longtemps à exprimer de sérieuses réserves sans abandonner tout espoir d'un engagement à mieux protéger les minorités de langue officielle, sinon dans un accord constitutionnel enrichi, du moins lors d'une éventuelle seconde ronde de négociations. Avec l'approche de l'échéance fatidique du 23 juin, le Conseil national des présidentes et présidents de la FFHQ finit, après beaucoup d'hésitations, par appuyer officiellement l'Accord du lac Meech en février dernier. Après trois années de rebondissements et de tergiversations, l'Accord du lac Meech connut le sort que l'on sait. Le 23 juin, c'est une toute nouvelle page de l'histoire du Canada qui commençait.

Les péripéties de l'Accord du lac Meech et la vague de déclarations d'unilinguisme de certaines municipalités, surtout en Ontario, se sont révélées particulièrement épuisantes pour les francophones de l'extérieur du Québec. La deuxième moitié de l'année allait surtout taxer les ressources d'Alliance Québec et de la communauté anglophone qui se sentait de plus en plus mise à l'écart du débat de société qui s'amorçait. Alliance Québec a donc entrepris une vaste consultation de la collectivité sur l'avenir politique et constitutionnel du Québec. Un sentiment partagé a été exprimé par l'un des quelque 2 500 participants, dans les termes suivants : « Qu'est-ce que je suis si ce que j'ai apporté ne compte pas et si je ne suis pas considéré comme Québécois ? ». Dans la section du chapitre suivant qui traite du Québec, on trouvera les conclusions présentées à la Commission Bélanger-Campeau à partir de cette consultation.

Les francophones hors Québec ont aussi, à maints endroits, amorcé une réflexion en profondeur sur leur avenir et sur celui de leur pays. Certaines de leurs associations ont également comparu devant la Commission et feront sans doute connaître leurs vues au Forum des citoyens. Lorsqu'elle a présenté son mémoire devant la Commission Bélanger-Campeau, la FFHQ a tenu à souligner qu'elle estimait que la réflexion qui avait cours était d'abord et avant tout celle de la collectivité québécoise à qui il importait de définir son projet de société. En faisant état de son apport à une telle réflexion, la FFHQ a précisé que sa perspective était le reflet d'une collectivité qui partage avec la société québécoise de nombreuses richesses, notamment historiques, linguistiques et culturelles.

« Pour beaucoup de Québécoises et de Québécois », déclara le président de la Fédération, M. Guy Matte, « les francophones hors Québec forment une entité méconnue, dont ils ignorent souvent les racines et dont la réalité du quotidien leur échappe ». Il a tenu à rappeler que les Acadiens — le premier peuplement permanent d'Européens au nord de la Floride et la première présence française en Amérique du Nord — et les autres francophones avaient planté leurs racines dans toutes les régions du pays. Ce million de francophones, a-t-il ajouté, c'est autant sinon plus de personnes que la population, prise individuellement, de six des dix provinces canadiennes; c'est 20 p. 100 de la population francophone du

Québec; ce sont des milliers d'interlocuteurs pour le Québec dans les domaines économique, éducatif et culturel; c'est un avant-poste linguistique essentiel pour la société québécoise.

Ayant passé en revue l'évolution des relations entre le Québec et les autres francophones au cours des trente dernières années, la FFHQ soulignait : « alors que les intérêts de la francophonie québécoise semblent dorénavant passer par l'Assemblée nationale, ceux de nos communautés passent directement par un pouvoir accru du gouvernement central ». En conclusion, elle a affirmé sa conviction qu'indépendamment du projet de société que se donneront les Québécois, il est possible — il y va de l'intérêt de chacun — d'élaborer différentes formes de partenariat avec les autres communautés francophones sur le plan politique, économique, social, culturel et des communications.

Dans le même ordre d'idées, l'Association canadienne-française de l'Ontario (ACFO) est venue souligner que l'Ontario français constitue, tant pour les produits manufacturés que culturels, un marché de choix pour un Québec en expansion. D'ailleurs, le Québec pourrait aussi trouver, parmi les 8 000 entreprises ontariennes qui sont la propriété de Franco-Ontariens, des intermédiaires précieux car ce sont des alliés naturels et sympathiques au départ. Le Québec, qui aspire à devenir un chef de file dans la francophonie internationale, ne saurait, selon l'ACFO, se désintéresser de cette collectivité qui compte près de deux millions de personnes, en y incluant les Néo-Canadiens qui parlent le français, dont la majorité habite l'Ontario. « La formulation et la mise en œuvre par le Québec d'un code des minorités à partir duquel conclure des accords de réciprocité avec les provinces à majorité anglophone en matière de droits linguistiques » est une des multiples façons de « transformer notre voisinage en un partenariat ».

Les trois autres associations qui ont comparu, même si elles ont des points de vue différents, ont clairement un dénominateur commun : l'importance de préserver le cadre canadien. La Société des Acadiens et des Acadiennes du Nouveau-Brunswick (SAANB) est venue rappeler à la Commission, et à l'ensemble des Québécois, la vitalité culturelle et le dynamisme économique de l'Acadie du Nouveau-Brunswick comme en témoigne notamment l'imposant réseau de structures homogènes sur le plan linguistique élaboré au cours de la dernière décennie dans pratiquement tous les secteurs d'activité. C'est ce qui fait dire non sans fierté à la SAANB que « la dualité tant demandée aux niveaux politique et administratif est déjà presque entièrement réalisée au niveau social ». Dans le contexte d'un Canada appelé à connaître un changement structurel important, la SAANB voudrait poursuivre et accroître sa collaboration avec le « nouveau » Québec, en invitant son gouvernement à conclure des ententes de collaboration directement avec la communauté. Les porte-parole acadiens ont indiqué qu'ils comprenaient et respectaient la démarche actuelle du Québec. Ils ont affirmé « que le *statu quo* constitutionnel est chose du passé et que le Canada dans son ensemble devra s'engager dans la voie de la définition d'une nouvelle association ».

Les Franco-Manitobains sont également venus témoigner de leur vitalité et mieux faire connaître leurs aspirations. « Nous souhaitons que le Québec reste à l'intérieur de la Confédération mais dans un Canada redéfini où chacun peut jouir de sa légitime place », a déclaré le président de la Société Franco-Manitobaine (SFM). Reconnaissant qu'il y a une place pour la communauté anglophone dans le Québec de demain, la SFM a préconisé un code des minorités qui protège les acquis, notamment la *Loi sur les langues officielles* et les garanties de la *Charte canadienne des droits et libertés*.

« Nous sommes ici dans l'espoir que ce conflit de famille se règle, dans l'espoir de trouver une solution commune pour assurer l'avenir », a déclaré la présidente de l'Association canadienne-française de l'Alberta (ACFA) à la Commission québécoise. Dans la perspective de l'ACFA, francophones, anglophones et autochtones forment trois grandes communautés nationales dont font partie des groupes d'origines ethno-culturelles diverses. Ces communautés sont intimement reliées par leur histoire et par leur cohabitation sur un territoire commun, le Nord de notre continent. Elles doivent s'entendre ensemble pour réussir à le gérer. Rappelant que les Franco-Albertains auraient pu mourir cent fois, l'ACFA conclut que « c'est justement parce que nous pouvons travailler huit ans sans relâche pour l'obtention d'une seule école dans une petite communauté francophone que nous pouvons nous présenter à titre de partenaire important dans la survie du fait français en Amérique du Nord [...] Nous sommes votre famille au Canada, ceux chez qui vous vous sentez moins seuls comme francophones au pays [...] Quoi que négociera le Québec avec le Canada anglais, il faudra qu'il protège des droits acquis pour les Franco-Albertains, mais avec le poids d'un Québec faisant partie du Canada ».

L'éducation des minorités

À la suite de la décision historique rendue par la Cour suprême du Canada dans la cause *Mahé et al.*, le 15 mars 1990, les autorités provinciales n'ont plus remis en question, comme elles l'avaient fait par le passé, le principe de la gestion scolaire par les minorités; elles s'interrogent cependant sur les moyens à prendre pour en assurer le respect. La récolte est à peine amorcée mais, toute proportion gardée, 1990 a été à ce chapitre une très bonne année.

L'accès à l'instruction dans la langue de la minorité étant, dans une large mesure, fonction du droit de la minorité à gérer ses propres écoles — question au centre du litige porté devant la Cour suprême —, nous nous limiterons ici à un examen de l'évolution de cette situation. D'autres aspects de l'éducation des minorités, notamment la création d'un certain nombre d'écoles et la question de l'enseignement postsecondaire, sont présentés dans le chapitre suivant.

« Lorsque le nombre le justifie », a déclaré la Cour suprême, « l'article 23 confère aux parents appartenant à la minorité linguistique un droit de gestion et de contrôle à l'égard des établissements d'enseignement où leurs enfants se font

instruire. » Elle a aussi condamné « l'inaction des autorités publiques [...] qui ont négligé de remplir l'obligation que leur impose l'article 23 ». Celles-ci doivent donc, le cas échéant, agir avec célérité et « mettre en place un système approprié d'enseignement dans la langue de la minorité ». Maintenant que la Cour suprême a clarifié l'objet, la nature et la portée de l'article 23, énoncé les principes devant présider à son application et précisé, dans une large mesure, les droits des uns et les obligations des autres, il ne reste qu'à faire diligence pour définir le « système approprié » requis ou les éléments nécessaires pour le compléter, et à les mettre en place.

Survol d'est en ouest

À l'**Île-du-Prince-Édouard**, de nouveaux règlements scolaires sont entrés en vigueur le 1er juillet, moins de cinq mois après leur adoption. Résultats : double carte scolaire (anglophone et francophone), financement assuré et création d'un seul conseil scolaire de langue française dont la compétence s'étend sur tout le territoire de la province.

À **Terre-Neuve**, la loi scolaire et les politiques formelles qui en découlent sont encore muettes au sujet de l'article 23, comme si la *Charte* n'existait même pas. La province est donc loin d'avoir conçu, et encore moins d'avoir rendu opérationnel, un « système approprié d'enseignement dans la langue de la minorité ». En toute fin d'année, on semblait se préparer à s'attaquer bientôt à la tâche.

En **Nouvelle-Écosse**, on n'est guère plus avancé à ce chapitre. Du moins, aucune proposition ne transparaît pour l'instant. On imagine mal que la province puisse confier la gestion du Centre scolaire-communautaire de langue française de la capitale, qui ouvrira ses portes en septembre prochain, à qui que ce soit d'autre qu'à la communauté acadienne de la région. C'est une belle occasion pour revoir le système de gestion des écoles acadiennes de l'ensemble de la province et pour accélérer le pas.

Au **Nouveau-Brunswick**, l'homogénéité linguistique de chaque système d'éducation est complète — de l'école jusqu'aux deux sous-ministres de l'éducation — et le principe de « partenaires égaux » énoncé par la Cour suprême y est intégralement respecté. Mis en place avant l'avènement de la *Charte*, ce « système approprié » marqua la fin des conflits linguistico-scolaires.

Au **Québec**, la communauté d'expression anglaise dispose d'un réseau complet d'institutions scolaires, des maternelles jusqu'aux universités. Établi selon le caractère confessionnel des établissements, ce réseau scolaire assurait traditionnellement l'homogénéité linguistique, le secteur catholique étant francophone et le secteur protestant, anglophone. Face à l'érosion progressive de cette homogénéité et à la privation de l'exercice d'une pleine gestion scolaire qui en résultait de part et d'autre, le gouvernement entreprit une réforme visant à remplacer les commissions scolaires catholiques et protestantes par des commissions scolaires de langue française et de langue anglaise tout en respectant dans ce

cadre les exigences religieuses inscrites dans la Constitution. Sitôt adoptée sous le gouvernement Lévesque, en 1984, la loi 3 fut contestée. Ayant été enjoint par la Cour supérieure du Québec d'en suspendre l'application tant que le second objectif n'aurait pas été atteint, c'est sous le gouvernement Bourassa qu'on revint à la charge avec le *projet de loi nº 107*, adopté en décembre 1988. La loi 107 maintient le droit des membres d'une minorité religieuse, au sein des nouvelles commissions scolaires linguistiques, d'exercer la dissidence. Étant donné les circonstances, le gouvernement a décidé de demander l'avis de la Cour d'appel du Québec sur certaines dispositions susceptibles d'être entachées de nullité. Comme nous l'expliquons dans le troisième chapitre de la première Partie, la question est maintenant portée devant la Cour suprême du Canada après avoir fait l'objet d'un arrêt positif en première instance.

Réagissant à l'arrêt de la Cour suprême dans l'affaire *Mahé et al.*, M. Claude Ryan, alors ministre de l'Éducation, a déclaré que la reconnaissance du droit de gestion de la communauté minoritaire ne « causait aucune difficulté à son gouvernement ». Les améliorations à ce chapitre devront toutefois attendre qu'aient été clarifiées les questions constitutionnelles relatives à la loi 107. Le ministre a par ailleurs reconnu que le jugement forcerait le gouvernement à être plus attentif aux préoccupations linguistiques et culturelles de sa minorité de langue officielle dans l'élaboration des programmes pédagogiques, notamment par une participation plus active et plus directe.

En **Ontario**, saisi d'une poursuite fondée sur l'article 23 de la *Charte*, le gouvernement avait décidé de soumettre un renvoi sur la question, et sa Cour d'appel confirmait, dès 1984, le droit des francophones de la province de gérer leurs propres écoles. Au lendemain de l'entrée en vigueur de la *Charte*, l'Ontario avait été la première (des provinces où cela était clairement requis) à réviser sa loi scolaire, donnant ainsi effet au caractère réparateur de l'article 23.

Un projet de loi était déposé à cette fin en novembre 1985 et la loi 75, promulguée l'année suivante, établissait la représentation proportionnelle et garantie de la minorité linguistique partout dans la province en plus de fonder un conseil scolaire de langue française dans la région métropolitaine de Toronto. La loi 75 entra pleinement en vigueur en septembre 1988 et, durant la même année scolaire, les conseils de langue française de Toronto et d'Ottawa-Carleton ont vu le jour.

De sérieuses insuffisances et difficultés de fonctionnement de la représentation proportionnelle et garantie ne tardèrent pas à se manifester et à être dénoncées. Le gouvernement entreprit cette année de rectifier la situation en créant un groupe de travail chargé de proposer au ministre de l'Éducation un nouveau « système approprié » et les modalités de sa mise en œuvre, en procédant à l'établissement de conseils scolaires de langue française dans les régions de Prescott-Russell et de Simcoe, et en adoptant à la fin de l'année des amendements à la *Loi sur l'éducation* en vue notamment de permettre la création de conseils scolaires de langue française par décret du Conseil exécutif.

Au **Manitoba**, après consultation avec les parties intéressées, le gouvernement établissait à l'été un groupe de travail présidé par M. Edgar Gallant et dont le rapport est attendu au printemps 1991. Selon le premier ministre Filmon, le groupe de travail devrait chercher à obtenir une mise en application « constructive et généreuse » des droits en proposant au ministre de l'Éducation les modalités assurant aux Franco-Manitobains l'exercice du droit de gérer l'instruction dans la langue de la minorité et les établissements la dispensant.

En **Saskatchewan**, moins d'un mois après l'arrêt *Mahé et al.*, le gouvernement annonçait sa décision de reporter le dépôt de la loi requise pour mettre en place la « composante » fransaskoise du système d'éducation de la province. Puisque le « système adéquat » est déjà bien défini dans cette province et que les difficultés qu'aurait pu entraîner sa mise en œuvre sont désormais aplanies, le gouvernement ne fait pas « diligence ».

En **Alberta**, province d'origine de l'affaire *Mahé et al.*, les francophones ne gèrent ni les programmes d'instruction qui leur sont offerts dans leur langue ni les écoles françaises. Pourtant, les parents et la communauté francophones réclament des commissions scolaires régionales de langue française. L'Alberta Teachers Association et l'Alberta School Trustees Association les appuient.

Les contours du « système approprié » semblent apparaître de plus en plus clairement grâce aux consultations en cours. À la fin de l'année, la création d'un conseil scolaire régional dans la région de Smokey River/Spirit River/Rivière-la-Paix semblait de plus en plus certaine, et les résultats que pourraient donner un groupe de travail provincial sur l'ensemble de la question nous donnaient lieu d'espérer.

En **Colombie-Britannique**, peu de temps après l'arrêt *Mahé et al.*, le ministre de l'Éducation mit sur pied un groupe de travail de dix-sept personnes réunissant tous les partenaires en éducation de la province. Celui-ci doit proposer, au printemps, les modalités d'exercice des droits scolaires garantis par l'article 23, gestion comprise, « dans un esprit d'ouverture et de générosité ».

Le **Yukon** se dote d'une loi scolaire avant-gardiste le 14 mai 1990 : une commission scolaire de langue française ayant compétence sur l'ensemble de ce vaste territoire pourra bientôt être créée. Déjà, la gestion par les francophones de la seule école française y est assurée. Ainsi, le plus petit territoire au pays — en tout à peine 24 000 habitants — desservant la plus petite minorité linguistique du Canada, nous donne une leçon sur l'art du possible.

Aux **Territoires du Nord-Ouest**, on est loin de pouvoir en dire autant. On ne semble pas faire diligence car on a ni défini « le système approprié », ni arrêté une démarche qui permettrait de le faire. La parcimonie, vu l'inévitable recours aux tribunaux qu'elle entraîne, n'est pourtant pas la meilleure approche pour bâtir ce que le droit et les besoins requièrent en l'espèce.

Les recours judiciaires

Ce survol de la gestion scolaire de la minorité au pays serait incomplet et tracerait un portrait peu réaliste s'il ne soulignait pas en conclusion l'importance, dans plusieurs provinces, des poursuites judiciaires que les premiers intéressés ont jugé nécessaires d'entamer ou, à tout le moins, d'envisager. Fort heureusement, dans certains cas, l'action des autorités a permis de les régler; dans d'autres, elle a permis de les suspendre en en éliminant tout simplement la nécessité. Peut-être aurait-ce aussi été le cas si on avait déjà agit, en Saskatchewan, où trois nouvelles poursuites furent engagées.

Commission nationale des parents francophones

La multiplication des problèmes urgents et concrets soulevés par la mise en application des principes énoncés par la Cour suprême dans l'arrêt *Mahé et al.* a confirmé le rôle essentiel d'un mouvement national de parents bien organisé dans la mise en œuvre de l'article 23. La Commission nationale des parents francophones (CNPF) a dû accélérer la consolidation d'un réseau encore relativement jeune et multiplier les stages de formation pour outiller ses composantes provinciales et territoriales à tous les niveaux. Il fallait en faire des partenaires éclairés dans l'établissement des réseaux scolaires, mais davantage encore dans l'élaboration des modalités appropriées d'exercice de la gestion. Un regard sur l'ensemble de l'année confirme que l'arrêt *Mahé et al.* a donné lieu à une série d'importantes initiatives. « Rarement, en si peu de temps, avons-nous connu autant de progrès et de développements aussi prometteurs dans le domaine vital de l'éducation des minorités au pays », nous confiait le président de la Commission, M. Raymond Poirier. Les milieux intéressés ont par conséquent dû s'activer et les parents participer comme jamais auparavant.

À la suite d'une rencontre au début de l'année entre les dirigeants de la CNPF et le conseil exécutif du Conseil des ministres de l'éducation (Canada), ce dernier a décidé de consacrer une bonne partie de sa réunion du début de 1991 à l'ensemble de la question de la mise en œuvre de l'article 23, objectif que nous poursuivons depuis plusieurs années. C'est la première fois depuis l'entrée en vigueur de la *Charte* que le Conseil procédera, notamment à la lumière d'un mémoire soumis par la CNPF, à un échange de vues sur l'état de l'éducation des minorités francophone et anglophone et à un échange d'information sur les modèles et les modalités de gestion scolaire par les minorités de langue officielle du pays.

C'est grâce à un appui financier important du secrétaire d'État du Canada au mouvement de parents francophones au cours des quelques dernières années que ce dernier a pu être en mesure de relever les nombreux défis de 1990. La CNPF et les parents se sont dits très satisfaits des efforts déployés par le Secrétariat d'État pour leur venir en aide et du rôle qu'il a joué pour faciliter dans plusieurs provinces l'élaboration de systèmes d'éducation de la minorité. La réflexion approfondie que les parents et la communauté ont depuis peu eu l'occasion de faire sur la problématique de la mise en œuvre de l'article 23 dans leur milieu en a fait des partenaires indispensables.

Leur participation à plusieurs comités ministériels auxquels on a confié la tâche d'élaborer un « système approprié d'enseignement dans la langue de la minorité » confirme donc leur pertinence tout autant que leur capacité d'assumer pleinement ces responsabilités. Le mouvement de parents francophones s'attend également à ce que le Secrétariat d'État, déjà partenaire dans l'élaboration des systèmes d'éducation, le soit aussi dans leur mise en place. (Voir Partie I, chapitre 4.)

Durant l'année, la CNPF a accordé plus d'attention à l'éducation préscolaire, le deuxième grand volet de son action. Il est tout aussi important que le premier car des services préscolaires, garderies et prématernelles comprises, font partie intégrante du projet scolaire qu'elle tente de mettre sur pied.

C'est que l'absence d'un réseau adéquat de garderies et de maternelles de langue française entraîne souvent l'anglicisation des enfants francophones avant même qu'ils ne fréquentent l'école. Les données sur le nombre de places offertes par les garderies publiques françaises à l'extérieur du Québec sont encore incomplètes. Néanmoins, il apparaît évident que, toute proportion gardée, les parents francophones sont nettement défavorisés à ce chapitre alors que leurs besoins, pour des raisons linguistiques et culturelles évidentes, sont encore plus manifestes. C'est à ce stade que les programmes de francisation et de refrancisation sont les plus efficaces, autant afin de prévenir une anglicisation précoce que pour permettre une intégration harmonieuse à l'école française des « ayants droit » ne parlant pas ou peu français. Dans l'arrêt *Mahé et al.*, la Cour suprême ne stipule-t-elle pas que l'article 23 est destiné « à remédier, à l'échelle nationale, à l'érosion progressive des minorités parlant l'une ou l'autre langue officielle et à appliquer la notion de "partenaires égaux" des deux groupes linguistiques officiels dans le domaine de l'éducation » ?

C'est durant l'année écoulée qu'a débuté dans ce domaine une collaboration fructueuse entre le Secrétariat d'État, la CNPF et le ministère de la Santé et du Bien-être social. De plus en plus conscient de la nécessité de combler cette importante lacune, ce dernier a financé une étude de la CNPF visant à mieux cerner les besoins linguistiques et culturels en matière de services de garde destinés aux francophones vivant en milieu minoritaire. La nouvelle politique canadienne de services de garde que le gouvernement élabore présentement tiendra compte fort heureusement des besoins particuliers des communautés minoritaires de langue officielle.

Une étude sur la portée et la mise en œuvre de l'article 23

Les échanges de vues entre les Commissaires successifs et les principaux intéressés au cours de leurs voyages au pays, notamment avec le ministre de l'Éducation de la plupart des provinces et des territoires ainsi qu'avec la majorité des premiers ministres, ont confirmé à nos yeux la nécessité d'entreprendre dès 1988 une étude générale sur la portée de l'article 23 et la problématique de sa mise en œuvre au pays. Le Commissariat souhaitait en effet, pour combler le

vide causé par la nature essentiellement fragmentaire des renseignements et des analyses pertinents disponibles à ce jour, mettre à la disposition de l'ensemble des intervenants — les autorités scolaires provinciales et locales, les parents et les groupes minoritaires, les juges et les procureurs, les chercheurs et autres parties intéressées — un ensemble de données et d'analyses qui faciliteraient la concrétisation de telles dispositions constitutionnelles.

Étant donné sa formation, son expertise pluridisciplinaire et son intérêt marqué pour ces problèmes, c'est à M^me^ Angéline Martel que nous avons confié la direction de cette étude, il y a trois ans déjà. Nous lui avons demandé de dégager le sens et la portée de l'article 23 en s'assurant du concours de constitutionnalistes qui feraient l'analyse jurisprudentielle, de décrire l'état actuel de l'éducation des minorités dans chacune des provinces ainsi que dans les territoires, de circonscrire les éléments essentiels de la gestion scolaire minoritaire, de même que les diverses modalités de son exercice, de manière à éclairer l'action des intervenants dans ce domaine tout aussi complexe que vital.

Nous souhaitons vivement que la publication récente de l'ouvrage qui en a résulté contribue à une mise en œuvre plus éclairée — et par conséquent au plein exercice — des droits scolaires des minorités de langue officielle dans l'ensemble du pays.

Multiplication des partenaires... et des services

Nos deux langues officielles, de même que les Canadiens des communautés minoritaires, ne sauraient rayonner et s'épanouir à l'intérieur des seuls champs de compétence fédérale. C'est pourquoi nous insistions déjà dans notre *Rapport annuel 1984* et ce, dans la pure tradition de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, sur l'importance d'étendre, grâce au concours des autorités responsables, la sphère vitale des langues officielles aux services provinciaux et municipaux de même qu'à ceux offerts par les secteurs privé et bénévole. Il est heureux que le législateur ait reconnu ces réalités dans la *Loi sur les langues officielles* de 1988 et qu'il ait confié au secrétaire d'État du Canada un rôle central dans ce vaste domaine. Comme divers aspects de ces questions sont traités ailleurs, nous nous en tiendrons ici à dégager une vue d'ensemble de certaines facettes de cet important volet.

Durant l'année, la gamme des services provinciaux offerts dans les deux langues officielles a pu faire l'objet d'initiatives nouvelles importantes au Manitoba, marquer des progrès notables à l'Île-du-Prince-Édouard et au Nouveau-Brunswick, et faire l'objet d'une consolidation en Ontario ainsi qu'au Québec. Si cela a pu se réaliser dans le climat de 1990 que nous avons connu l'an dernier, c'est en bonne partie attribuable à la collaboration de divers partenaires. Dans notre *Rapport annuel 1989*, nous observions qu'un nouveau partenariat semblait prendre forme entre le gouvernement du Canada, les minorités de langue officielle et leur gouvernement provincial ou territorial respectif. Nous avons tout lieu de croire qu'il s'est affermi en 1990.

À ce jour, l'aménagement linguistique au pays a à peine touché, sauf au Québec, le **secteur municipal**. Il s'agit pourtant de l'ordre de gouvernement qui est le plus près du public et de celui dont le public utilise le plus souvent les services. La connaissance que nous avons du statut et de l'usage du français et de l'anglais au sein des municipalités canadiennes demeure très fragmentée, voire superficielle. On sait, par exemple, que certains services sont offerts dans les deux langues dans près d'une centaine de municipalités au Québec, dans un peu plus d'une quarantaine en Ontario et d'une trentaine au Nouveau-Brunswick. Mais la taille des municipalités varie à tel point qu'une seule d'entre elles peut desservir une population plus nombreuse que celle que l'on retrouve dans quarante autres.

Ce qui frappe dans bon nombre de cas, c'est qu'en raison de l'absence de politiques officielles à cet égard, des services bilingues déjà disponibles sont à la merci du moindre coup de vent. Il semble par ailleurs que les ressources bilingues dont disposent les administrations municipales soient souvent sous-utilisées. Pourtant, il serait très facile, sans même ajouter un seul employé bilingue, d'améliorer l'utilisation des services disponibles au public en les faisant mieux connaître. C'est ce qu'une politique bien conçue permettrait de faire en clarifiant ce à quoi les contribuables et les employés municipaux doivent s'attendre à ce chapitre.

Trois regroupements prometteurs ont récemment vu le jour sur la scène municipale. Il s'agit de l'Association des municipalités bilingues du Manitoba, de l'Association française des municipalités de l'Ontario et de l'Association des municipalités du Nouveau-Brunswick.

De nombreux sondages ont démontré que le public appuie, en majorité, la prestation de services municipaux en français et en anglais. Les échantillons de ces sondages d'opinion sont beaucoup trop petits pour permettre des comparaisons entre différentes catégories de municipalités. On peut toutefois supposer, sans grand risque de se tromper, que le degré d'appui est généralement plus élevé dans les municipalités où réside une population de langue officielle minoritaire, disons de plus de 5 ou 10 p. 100, que dans celles où cette proportion est infime. Il devrait exister un minimum de proportionnalité entre le degré d'appui, l'importance des besoins et les ressources bilingues dont dispose le milieu. D'autres études indiquent que dans bon nombre de cas, les élus municipaux seraient disposés et même fortement intéressés à établir des fondements plus solides aux services qui sont présentement plus ou moins disponibles, à en accroître la gamme et à en rationaliser la prestation. Mais ils ne savent trop comment s'y prendre. Les associations mises sur pied peuvent, en ce sens, rendre service à tous les conseils municipaux de bonne volonté.

Nous sommes donc en droit de nous attendre à ce que le regroupement des municipalités dans ces trois provinces privilégie l'élaboration d'un arrêté municipal modèle qui tiendrait compte des besoins et des champs de compétences

propres à chacune des entités — villes, villages ou municipalités rurales. Le texte d'un tel arrêté municipal-cadre comprendrait un ensemble de dispositions facultatives permettant aux conseils municipaux de légiférer en prenant les mesures qui leur semblent convenir dans les circonstances. Si de tels textes avaient pu être mis à la disposition des municipalités intéressées, ils auraient pu faciliter bien des choses, d'où la nécessité de tenir compte de cette suggestion pour l'avenir.

Dans les **secteurs privé** et **bénévole,** des initiatives importantes auxquelles le Commissariat s'est associé ont été prises et ont permis de repérer des partenaires fort valables comme la Société canadienne des directeurs d'association. Cette Société est composée de cadres œuvrant au sein de quelque 1 300 organismes nationaux, provinciaux et régionaux, principalement du secteur privé. L'état des langues officielles et les besoins des organismes dans ce domaine ont fait l'objet d'une étude et de recommandations présentées au Secrétariat d'État à l'été 1988. On ne semble cependant pas y avoir donné un suivi suffisamment vigoureux pour obtenir des résultats tangibles. Il est temps de revenir à la charge et de dynamiser cet important secteur, ce qui peut être fait grâce à l'investissement de modestes ressources humaines, techniques et financières.

En ce qui a trait aux **services bénévoles**, un nouveau partenariat a récemment été formé entre la Coalition des organismes nationaux volontaires, le Secrétariat d'État et le Commissariat. Ce partenariat vise, dans un premier temps, à faire le point sur l'état du statut et de l'usage des deux langues officielles au sein des quelque 150 associations bénévoles nationales que regroupe la Coalition; à évaluer dans quelle mesure leurs dirigeants sont disposés à mieux refléter la dualité linguistique et à offrir aux membres des possibilités accrues de participer dans leur langue à la vie de leur association; et à trouver les moyens les plus pratiques pour y arriver. Il s'agit d'un secteur important étant donnée la place qu'occupe l'action bénévole dans la vie quotidienne de milliers de Canadiens. Cette question revêt aussi un intérêt particulier parce que, pour être vraiment d'envergure nationale, ces associations doivent manifestement refléter la dualité linguistique canadienne. Il est à souhaiter que les suites que l'on donnera à ces initiatives correspondront à l'importance de leurs enjeux.

Les communautés minoritaires

Les minorités de langue officielle, les anglophones au Québec et les francophones dans le reste du pays constituent des entités distinctes qui ont en commun un certain nombre de caractéristiques et de droits. Elles sont néanmoins marquées par une grande asymétrie de situations et une ambivalence face à leur avenir. Par exemple, plus des trois quarts des anglophones Québécois sont regroupés dans la région de Montréal et près du quart dans les plus petites communautés de l'Estrie, de la région de Québec, de la Gaspésie ou de la Côte nord. Il va sans dire que, si leurs droits sont identiques, leur situation et leur vie communautaire ne le sont pas. Quant aux minorités francophones, elles sont diversifiées à la fois pour ce qui est de leur situation et de leur statut à l'échelle provinciale.

Vision d'avenir

La vie de chaque communauté minoritaire de langue officielle et l'action de leur organisme porte-parole au sein de leur province ou de leur territoire sont abordées au chapitre suivant. Nous passons sommairement en revue ici l'action des principales associations nationales francophones en accordant d'abord une attention spéciale à *Vision d'avenir*, projet d'envergure dont nous avons parlé dans le premier chapitre de ce rapport. Il est ensuite brièvement question de la dimension pancanadienne du rôle qu'a continué de jouer Alliance Québec. Enfin, ayant pris connaissance de certaines déclarations voulant que « le bilinguisme a nui aux francophones », nous tentons de dégager les principaux effets qu'a eus la politique canadienne des langues officielles sur les minorités.

La survie des minorités, surtout francophones, leurs chances d'épanouissement et l'efficacité des politiques de langues officielles ont fait surface dans l'actualité à plusieurs reprises en 1990. Mise sur pied par la Fédération des jeunes Canadiens français, la Commission nationale d'étude sur l'assimilation a publié, en septembre, les deux premiers d'une série de quatre livres sur l'avenir de la langue et de la culture françaises au Canada : *Le déclin d'une culture* et *Le choc des nombres*. Le titre de ces importants ouvrages livre l'essentiel du message. Le portrait de la situation des francophones de l'extérieur du Québec qui y est tracé est sombre :

- le taux de natalité qui pendant longtemps avait fait la force démographique des francophones a chuté en dessous de l'indice de fécondité moyen;
- les pyramides d'âge s'inversent;
- les mouvements migratoires n'ont entraîné aucune relève importante sauf en Colombie-Britannique;
- l'anglicisation des francophones poursuit ses ravages.

Pris globalement et selon la langue maternelle, le nombre de francophones à l'extérieur du Québec croît toujours, mais lentement. Toutefois, leur proportion n'a cessé de diminuer car l'immigration favorise nettement le groupe anglophone. À l'intérieur de leur province, le poids démographique relatif des francophones se situe, en termes absolus, entre 2 500 et près de 500 000 et, en termes relatifs, entre 0,5 p. 100 et 33,5 p. 100. À cette double échelle correspond, dans une large mesure, celle des droits, formels et réels, et des services, publics et privés, auxquels ces minorités ont accès dans leur langue. Mais la question n'est pas tout à fait aussi simple.

Pour mieux saisir la réalité, et nonobstant le fait que les trois quarts des francophones de l'extérieur du Québec habitent l'Ontario et le Nouveau-Brunswick, il faut considérer à plus petite échelle la répartition territoriale des minorités et leur concentration. Ainsi, les Acadiens francophones de l'Île-du-Prince-Édouard

représentent un peu moins de 5 p. 100 de la population de leur province. Ils forment toutefois 10 p. 100 de la population du comté de Prince et sont surtout regroupés dans la région d'Évangéline; à Wellington et à Abram's Village, ils forment la majorité. Dans les principales villes de l'Ouest, le nombre de francophones correspond à la taille de villes comptant de 10 000 à 25 000 habitants.

C'est bien à partir de telles concentrations que se forment des « communautés » plus ou moins fortes. Regroupées, elles peuvent soutenir et rendre viables un plus large éventail de services bilingues, publics et privés. La prestation bien planifiée de ces services pourrait donner des résultats intéressants[1]. Même dans le contexte d'un cadre juridique provincial moins favorable, les chances de survie et d'épanouissement de petites communautés soutenues par un réseau associatif et institutionnel bien structuré — une autre forme de regroupement, au surplus, accessible — peuvent excéder celles de communautés plus grandes mais éparpillées. Il n'en demeure pas moins qu'en fin de compte la continuité de nos communautés minoritaires se mesure largement en termes démolinguistiques.

L'urbanisation est un autre phénomène qui n'a guère favorisé les minorités à l'exception peut-être des Franco-Manitobains qui, à l'instar des anglophones de la région de Montréal, se sont regroupés à Saint-Boniface où ils comptent d'importantes institutions et jouissent d'une bonne gamme de services. Ailleurs, ce phénomène a généralement contribué à l'exode des jeunes et par conséquent au vieillissement des communautés excentriques, à l'affaiblissement de leur base démographique et à une perte d'autonomie locale.

Associations francophones nationales

Lors de son assemblée générale annuelle de 1989, la **Fédération des francophones hors Québec** (FFHQ) avait amorcé une réflexion sur la place des communautés qu'elle représente au sein de la francophonie canadienne et dans l'ensemble du pays. Cette démarche intitulée « Dessein 2000 » acquiert aujourd'hui une nouvelle importance en même temps que son élaboration pose des défis de taille dans l'ère post-Meech alors que l'incertitude entourant l'avenir politique et constitutionnel du Canada ne cesse de croître.

La FFHQ a par ailleurs publié durant l'année des rapports de recherche touchant à des domaines fort variés. Mentionnons à cet égard *La décennie 90 : étape de consolidation* qui présente un survol de la jurisprudence sur l'article 23 et de la situation de l'éducation dans chacune des provinces intéressées, de même que *Développements institutionnels des communautés francophones hors Québec* de Daniel Savas qui traite de l'apport à la vitalité communautaire du développement et de la complétude institutionnels.

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[1] Dans le mémoire qu'il a présenté le 5 décembre 1990 au Comité mixte permanent des langues officielles sur l'avant-projet de règlement sur les communications et les services, le Commissaire a rappelé l'importance que revêt, pour la demande et le droit lui-même, la manière dont l'offre de service est aménagée.

Plusieurs autres questions sont venues mettre les ressources de la FFHQ à l'épreuve durant l'année, notamment pour contrer la désinformation entourant le mouvement de déclarations d'unilinguisme municipal dans la foulée de Sault-Sainte-Marie dans les premiers mois, et pour évaluer et contrer l'incidence des compressions budgétaires annoncées par la Société Radio-Canada dans les derniers mois. Il n'est guère surprenant que l'on proteste de plus en plus, car en supprimant un appui important à la vitalité linguistique et culturelle des communautés minoritaires qui en ont un besoin urgent, ces réductions, surtout lorsqu'aucune solution de rechange n'est proposée, auront pour effet d'entraîner, notamment chez les jeunes, l'assimilation non seulement à la culture canadienne-anglaise, mais à la culture américaine.

Quant à l'action menée par certains organismes nationaux membres de la FFHQ, mentionnons la consolidation du réseau de l'**Association de la presse francophone** et de son agence de presse de même que de la Table nationale de concertation sur la programmation en français mise sur pied par l'**Association canadienne d'éducation de langue française** (ACELF) et à laquelle siège un représentant en programmation scolaire du ministère de l'Éducation des territoires et de chacune des provinces.

La **Fédération culturelle canadienne-française** (FCCF) œuvre, pour sa part, dans un autre secteur de pointe important pour l'avenir des communautés d'expression française de l'extérieur du Québec. La FCCF regroupe et encadre aujourd'hui à peu près tous les intervenants du secteur culturel de cette francophonie bien vivante et qui est de mieux en mieux outillée, notamment grâce à ses réseaux de diffusion des arts de la scène et des produits culturels. La FCCF appuie une expression dont la richesse des formes reflète, dynamise et façonne à la fois la culture canadienne-française.

À cet égard, le Commissaire fut très heureux d'apprendre de la bouche du sous-ministre des Communications que, pour ce qui est de l'administration des programmes d'appui culturel au pays, son ministère ne ressentait nullement le besoin de faire de la « charité culturelle » aux communautés minoritaires. Leurs projets ainsi que leurs produits artistiques et culturels bénéficient déjà d'une aide importante même en étant évalués sur un pied d'égalité avec tous les autres, selon les mêmes normes nationales d'excellence.

Alliance Québec

Bien que pour des raisons évidentes, **Alliance Québec** ait de plus en plus tourné son attention vers le Québec et son gouvernement, elle a continué à faire valoir ses préoccupations dans un certain nombre de dossiers nationaux. L'année 1990 a également commencé par de nouvelles contestations du principe de la dualité linguistique au Canada. Comme elle l'a fait à plusieurs reprises déjà, Alliance Québec a dénoncé les mesures restrictives prises par des administrations municipales et des gouvernements provinciaux à l'égard de leurs minorités francophones. Lors d'une rencontre avec le maire de Sault-Sainte-Marie, M. Joseph Fratesi, et

d'une assemblée publique tenue par la suite, le président de l'Alliance, M. Robert Keaton, a déploré la décision de la municipalité de se déclarer officiellement unilingue. L'Alliance a par la suite poursuivi sa campagne de dénonciation dans d'autres villes et cantons. Dans un mémoire à ce sujet présenté le 21 mars 1990 au Comité mixte permanent des langues officielles, l'Alliance a fermement pris la défense des deux langues officielles du Canada.

L'Alliance a continué de travailler en collaboration avec la Fédération des francophones hors Québec et le Commissariat aux langues officielles en vue d'amener le gouvernement fédéral à déposer les règlements nécessaires à l'application de la *Loi sur les langues officielles* de 1988. Elle a accueilli favorablement le dépôt de l'avant-projet de règlement sur les communications et les services au public, mais — tout comme l'**Association des médias régionaux anglophones du Québec (AMRAQ)** — a cependant souligné un certain nombre de préoccupations dans un mémoire présenté en décembre au Comité mixte permanent.

En matière d'enseignement, Alliance Québec a continué à exercer une surveillance attentive sur les programmes de langue seconde financés dans le cadre du Programme des langues officielles dans l'enseignement du Secrétariat d'État. Même si elle s'est réjouie de certaines initiatives prises vers la fin du printemps, l'Alliance demeure inquiète du peu d'appui direct offert au Québec à l'égard des programmes de français langue seconde aux niveaux primaire et secondaire. À l'instar d'autres associations nationales et provinciales de minorités linguistiques, Alliance Québec a pris part à des consultations avec le Secrétariat d'État au sujet du Programme de promotion des langues officielles. L'association coordonne également, au sein de la communauté anglophone, la définition des besoins prioritaires auxquels il serait possible de répondre en apportant certains ajustements aux programmes fédéraux, pour leur permettre de mieux appuyer le développement de cette minorité linguistique. On est en train de préparer des rencontres à ce sujet entre le secrétaire d'État, l'Alliance et des ministres fédéraux responsables de portefeuille clés.

Bien qu'Alliance Québec soit extrêmement favorable aux commissions scolaires linguistiques, elle continuera de solliciter des garanties constitutionnelles à leur endroit et à suivre de très près le renvoi constitutionnel de certaines parties de la loi 107 créant ces nouvelles commissions. L'Alliance est également intervenue dans l'affaire concernant l'obligation de traduire les décrets dont a été saisie la Cour suprême. Cette affaire porte sur un décret unilingue français qui fusionne les villes de Rouyn et de Noranda. Semblable par sa portée à une cause manitobaine déjà portée devant la Cour suprême, cette affaire met en cause le champ d'application de l'article 133 de la *Loi constitutionnelle de 1867* et soulève la question de savoir si les décrets à caractère normatif doivent être traduits.

L'importance accrue accordée au programme jeunesse d'Alliance Québec mérite d'être signalée. Les responsables de ce programme ont rencontré ceux de la Fédération des jeunes Canadiens français et participé à un projet-pilote avec la

Commission de la fonction publique visant à déterminer le niveau de connaissance du français nécessaire pour occuper certains postes dans la fonction publique fédérale. Présentant un exposé devant un comité provincial sur l'accès des anglophones à la fonction publique provinciale, les délégués du comité jeunesse se sont prononcés en faveur du principe de l'action positive pour contrer les effets de l'extrême sous-représentation des anglophones. Naturellement, le maintien des jeunes dans la communauté constitue une préoccupation majeure qui appelle une action immédiate.

Les effets de la politique de langues officielles

On ne peut guère dire que le Canada ait eu une véritable politique de langues officielles avant les années 1970. Au cours des vingt dernières années, on a nettement renforcé les droits linguistiques, amélioré les programmes de langues officielles et considérablement étendu la gamme des services publics et privés offerts en français et en anglais. Malgré une mise en œuvre progressive, trop lente à notre gré, et qui n'a pas encore eu tous les effets escomptés, est-il permis de formuler le postulat que la politique canadienne de langues officielles pourrait avoir sérieusement contribué à neutraliser chez les francophones de l'extérieur du Québec les effets conjugués de l'urbanisation et de la diminution marquée du taux de natalité ? Il est très difficile de concevoir qu'une politique quelconque puisse être déterminante dans certaines circonstances lorsqu'elle est en butte à de tels obstacles et à l'attraction qu'exerce la langue majoritaire. Il y a lieu de croire néanmoins que cette politique, notamment en ce qui à trait à l'éducation et aux communications, a eu à cet égard un effet positif contre l'anglicisation des francophones comme en témoigne le relèvement de l'indice de continuité linguistique intergénérationnelle[2].

Il faut se rappeler que l'article 23 de la *Charte canadienne des droits et libertés* n'est entré en vigueur qu'en 1982 et que sa pleine mise en œuvre est encore inachevée. Par ailleurs, nous ne faisions état que dans notre rapport de l'an dernier d'un nouveau partenariat qui semblait prendre forme entre le gouvernement du Canada, les minorités de langue officielle et leur gouvernement provincial ou territorial respectifs. Dans la mesure où un bon nombre de minorités francophones auront bientôt un accès équitable à une éducation dans leur langue, de la garderie à l'université, et à la gestion d'une bonne part des établissements d'enseignement du réseau scolaire, où l'on continuera de renforcer la collaboration intergouvernementale et l'appui au développement des minorités et où ces dernières et leurs associations continueront de faire preuve

[2] Dans une communication scientifique présentée en 1989, M. Réjean Lachapelle a observé que selon l'indice de continuité linguistique intergénérationnelle des femmes de langue maternelle française, indice établi à partir des enfants de moins de cinq ans qui parlent le français à la maison (ou dont la famille le parle si ces enfants ne parlent pas encore), le taux net d'anglicisation chez les francophones de l'extérieur du Québec a diminué entre 1966-1971 et 1981-1986, passant de 35 p. 100 à 29,4 p. 100. Voir : *Tendances démolinguistiques et évolution des institutions canadiennes*; numéro spécial de la collection Thèmes canadiens, de l'Association d'études canadiennes, Montréal, 1989.

d'un dynamisme croissant, il est permis de s'attendre à une réduction de l'assimilation. Chose certaine, on ne saurait soutenir sérieusement que le bilinguisme institutionnel, c'est-à-dire la prestation en français et en anglais des services gouvernementaux, a pour effet d'angliciser les francophones.

La problématique de la minorité anglophone du Québec est tout autre. La langue anglaise n'y est évidemment pas menacée car, notamment en raison de la forte concentration des anglophones dans la région de Montréal, elle continue de faire des gains dans ses échanges démolinguistiques avec le français. Par contre, les communautés d'expression anglaise qui vivent à l'extérieur de l'Île de Montréal éprouvent des difficultés croissantes à préserver les acquis. L'exode des jeunes anglophones qui font partie des groupes les plus mobiles au pays[3] continue d'y affaiblir la base démographique des communautés et à rendre plus précaire le maintien de leurs institutions. Toute proportion gardée, il n'est pas beaucoup plus facile de corriger une telle situation que d'endiguer l'assimilation chez beaucoup de francophones hors Québec. Certains remèdes — une meilleure formation linguistique offerte aux plus jeunes pour accroître leurs possibilités d'emploi et faciliter leur insertion sociale — sont indiqués, mais ils diffèrent tout à fait de ceux qui conviennent aux francophones. D'autres — un soutien accru des réseaux associatifs et institutionnels, par exemple — sont identiques à ceux que requiert la protection des communautés d'expression française du reste du Canada.

L'action du Commissariat

L'année 1990 a été une année particulièrement remplie pour nos bureaux régionaux et pour le Commissaire, qui s'est notamment rendu au moins une fois dans chaque province et territoire. C'est ainsi qu'en plus de rencontrer des hauts fonctionnaires chargés de gérer les affaires d'institutions fédérales dans diverses régions du pays, il a pu s'entretenir avec six des premiers ministres et chefs de gouvernement des provinces et des territoires de même qu'avec plusieurs autres porte-parole des autorités provinciales, avec des maires de petites et grandes villes, des représentants des groupes minoritaires, des associations de parents et de jeunes, des administrateurs scolaires et universitaires de même qu'avec des éditorialistes et autres représentants des médias. Pour le Commissaire, il s'agit d'une autre façon de se tenir à l'écoute des Canadiens, de sensibiliser le grand public à la dualité canadienne et à la réforme du régime linguistique, de mieux appuyer le développement des communautés minoritaires de langue officielle, ce à quoi nos bureaux régionaux s'emploient sans cesse.

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[3] Une analyse a révélé que, quelle que soit la période considérée, les anglophones sont dix fois plus nombreux que les francophones à quitter le Québec pour les autres provinces. Source : Lachapelle, R. et J. Henripin. *La situation démolinguistique au Canada : évolution passée et prospective*, Montréal, l'Institut de recherches politiques, 1980.

2. De province en province : inquiétudes et espoirs

Comme par le passé, le présent chapitre donne un bref aperçu, par province, des grands dossiers de l'année sur les plans juridique, éducatif, institutionnel et communautaire.

L'Ouest

Pour les communautés francophones de l'Ouest, 1990 a sans nul doute été une année très difficile. Si les prédictions du type « après Meech, le déluge » se sont révélées par trop pessimistes, l'acrimonie qui a caractérisé la fin du débat du lac Meech a rendu les progrès aussi difficiles à envisager qu'indispensables. En revanche, le jugement déterminant de la Cour suprême du Canada dans l'affaire *Mahé et al.* semble avoir relancé la réforme de l'enseignement prévue par la *Charte canadienne des droits et libertés* de 1982. Grâce à cette décision, la mise en œuvre tant attendue de l'article 23 de la *Charte* a été amorcée dans tout l'Ouest, même si pour la majorité des francophones il y a encore loin de la coupe aux lèvres. Le Commissaire a effectué plusieurs voyages dans la région au cours de l'année. L'examen de ces questions a occupé une place de choix lors de ses rencontres avec divers premiers ministres, ministres de l'Éducation et représentants des associations francophones des provinces et des territoires.

Au cours de l'année, les grandes villes ont emprunté des valeurs rurales comme la générosité et les rapports de bon voisinage, tandis que certains villages défrayaient la manchette en se déclarant unilingues. Alors que Radio-Canada s'apprêtait à diffuser des émissions en langue française à Yellowknife, des compressions budgétaires imposaient une réduction massive de la production locale d'émissions francophones partout dans l'Ouest. Bref, si l'année politique pouvait se comparer à une quelconque danse à la mode, le rythme en serait très cahotique, du genre deux pas en avant, un pas en arrière.

En 1990, le **Manitoba** s'est hissé dans le peloton de tête des provinces de l'Ouest en raison des réels progrès qu'il a accomplis, notamment dans le secteur des services gouvernementaux. Pour faire suite à la décision de la Cour d'appel de la

province concernant le renvoi de la question de l'enseignement dans la langue de la minorité, le gouvernement manitobain a annoncé son intention d'amender sa loi scolaire. Le jugement que la Cour suprême a rendu par après dans l'affaire *Mahé et al.* a éclipsé les conséquences de la décision de la Cour d'appel. Réagissant à ces deux résolutions, le Manitoba a créé un groupe d'étude chargé de proposer des mesures permettant aux francophones de gérer l'enseignement en langue française. Ce groupe d'étude consultera des membres de la communauté francophone, des administrateurs scolaires et d'autres parties intéressées du domaine de l'éducation. Son rapport est attendu au printemps 1991. Le ministre de l'Éducation, M. Len Derkach, s'est pour sa part engagé à réviser la loi scolaire à la lumière des recommandations du groupe d'étude. La Fédération provinciale des comités de parents s'est réjouie de cette initiative.

Après avoir adopté une politique de services en langue française, dont il a été question dans notre *Rapport annuel 1989*, le Manitoba a engagé un expert-conseil pour évaluer l'offre de services sociaux et de santé en français. Cet expert a déposé son rapport l'automne dernier. Dans son allocution à l'assemblée générale annuelle de la Société franco-manitobaine (SFM), le premier ministre Filmon a déclaré que son gouvernement adhérait en principe aux recommandations du rapport. La politique gouvernementale a déjà conduit plusieurs entreprises du service public, telles qu'Hydro-Manitoba et la Société de téléphone du Manitoba, à améliorer leurs services en langue française. La nomination d'un coordonnateur des langues officielles a également contribué à une meilleure qualité des services en français à l'hôpital général de Saint-Boniface, où les francophones représentent environ 25 p. 100 des patients accueillis à l'urgence.

En novembre dernier, le Secrétariat d'État et le gouvernement du Manitoba ont conclu un accord quinquennal destiné à promouvoir les langues officielles dans la province. Bien qu'elle ne mentionne ni projets spécifiques, ni engagements financiers, l'entente énonce les principes et les mécanismes de coopération entre les deux gouvernements. On discute déjà de la mise en œuvre de certaines activités. Le Manitoba est la neuvième province ou territoire à signer un tel accord-cadre à long terme destiné à améliorer les services offerts à la minorité linguistique et à favoriser la reconnaissance des deux langues officielles.

À Winnipeg, une rencontre au sujet des services en français entre la SFM et les autorités provinciales et municipales a porté ses fruits. En vertu de l'article 3 de la *Loi sur la ville de Winnipeg*, la municipalité est tenue d'offrir certains services en langue française. Les autorités municipales, qui envisageaient depuis quelque temps déjà d'élargir la gamme de ces services, ont posé un geste significatif en publiant, pour la première fois en 1990, le rapport annuel de la ville dans les deux langues officielles. Par ailleurs, trois autres municipalités ont adopté une politique linguistique, et la ville de Saint-Claude envisage de leur emboîter le pas. En revanche, trois municipalités rurales se sont déclarées

unilingues anglaises, mais l'Union of Manitoba Municipalities (UMM) a rejeté une proposition s'opposant au bilinguisme. Le président de l'UMM a laissé entendre qu'il fut un temps où cette proposition aurait été adoptée, mais que les conseils municipaux du Manitoba avaient modifié leur attitude à l'égard des droits des minorités.

Pour la première fois en deux ans, deux juges francophones siègent à la Cour provinciale du Manitoba. La nomination du second juge devrait permettre de réduire le nombre des cas accumulés depuis le départ d'un autre juge francophone au début de 1988.

La Cour suprême du Canada a été saisie d'un appel, interjeté conjointement par la SFM et la province, portant sur la traduction des ordonnances unilingues du Cabinet. L'affaire remonte au mois de juin 1989 lorsque les ordonnances unilingues créant la commission d'enquête sur le traitement des autochtones ont été déclarées non valides. Le tribunal a affirmé que les arrêtés en conseil d'intérêt public devaient être rédigés dans les deux langues. La réaction de la province au jugement de la Cour d'appel n'a pas été celle que la SFM attendait. Cette question fait suite à la décision de la Cour suprême du Canada selon laquelle, conformément à la *Loi de 1870 sur le Manitoba*, les lois de la province doivent être rédigées dans les deux langues officielles. (Voir Partie I, chapitre 3.)

La SFM s'est vu accorder une subvention pour élaborer un « plan de développement global » qui servira de document de base aux négociations d'une entente-cadre Canada-Manitoba. Rendu public vers la fin de l'année, le rapport de la SFM est le résultat d'une série de consultations menées auprès de 49 collectivités de la province. Il se veut le complément des États généraux de la communauté francophone du Manitoba tenus il y a deux ans. Son contenu constituera le point de départ des négociations avec le gouvernement fédéral.

Les travaux du groupe d'étude manitobain sur la Constitution présenteront sans doute un intérêt particulier pour la SFM qui a adressé un mémoire à la Commission Bélanger-Campeau sur l'avenir du Québec. Sous la présidence du professeur Wally Fox-Decent de l'Université du Manitoba, le groupe d'étude, formé de sept membres, prendra la relève du groupe d'étude provincial sur l'Accord du lac Meech. Il examinera, en prévision de futures négociations constitutionnelles, des questions comme la réforme du Sénat, le partage des pouvoirs et les propositions formulées par d'autres gouvernements afin de fournir des avis ou de définir les priorités.

La **Saskatchewan** a connu une année décevante, ponctuée de retards et de progrès minimes. Le ministre de l'Éducation a invoqué des facteurs légaux et constitutionnels découlant de l'affaire *Mahé et al.* pour justifier le report de l'adoption de la loi garantissant la mise en œuvre des droits scolaires de la minorité francophone. À l'évidence, le ministre n'a guère rassuré la communauté

minoritaire quant aux intentions du gouvernement. Il a cependant tenu à préciser que le gouvernement n'avait pas renoncé au projet de loi. Inquiets de son inertie, les Fransaskois ont exhorté le gouvernement à reconsidérer sa décision. En effet, celle-ci reporte la mise en œuvre des recommandations du Comité Gallant au plus tôt au mois de septembre 1991. Le premier ministre, le secrétaire d'État et le Commissaire aux langues officielles n'ont pas caché leur déception, et les associations francophones ont organisé des manifestations à Regina et à Prince-Albert pour exprimer leur désaccord.

En février 1990, 500 personnes ont assisté à la réouverture officielle du collège Mathieu à Gravelbourg. Représentant l'un des plus importants établissements fransaskois, ce collège avait été détruit par le feu en mai 1988. L'aide financière des gouvernements du Canada et de la Saskatchewan a facilité sa reconstruction.

À Gravelbourg toujours, un groupe de parents francophones tente d'obtenir l'ouverture d'une école publique de langue française. La collectivité francophone est partagée; certains appuient la création d'une école française, d'autres sont favorables au *statu quo* (80 p. 100 des cours sont donnés en français). Une pétition en faveur d'une école française a été adressée au ministre de l'Éducation. L'ouverture, en septembre dernier, d'une école privée de langue française, l'école Beau-Soleil, semble avoir apporté une solution temporaire au problème. Une trentaine d'élèves fréquentent cet établissement. Une requête a été déposée devant les tribunaux pour obtenir un financement public.

Rappel éloquent de l'importance de l'enseignement dans la langue de la minorité, un rapport sur l'analphabétisme au sein de la communauté francophone paru en 1990 révèle que trois Fransaskois sur quatre ont besoin d'améliorer leurs capacités de lecture et d'écriture en français.

Plusieurs associations francophones se sont unies en vue de hausser la qualité de l'information diffusée aux collectivités minoritaires et, partant, de réduire les conséquences de leur isolement. Participent, notamment, au projet, la Coopérative des publications fransaskoises, la Commission culturelle fransaskoise, l'Association culturelle franco-canadienne (ACFC) et le Service fransaskois d'éducation aux adultes qui souhaitent ainsi créer un véritable « village électronique » fransaskois à l'échelle de la province.

Au début de l'année, l'ACFC a publié un rapport intitulé *À quand le respect de la Loi sur les langues officielles ?* Ce document souligne le rôle essentiel que jouent les services gouvernementaux offerts aux Fransaskois et presse le gouvernement fédéral d'accélérer l'application intégrale de la Loi. Les communautés minoritaires attendent avec impatience les politiques et les règlements qui devaient faire suite à son adoption il y a plus de deux ans. On comprendra que la communauté francophone manifeste une certaine exaspération. Un avant-projet de règlement a finalement été déposé auprès du Parlement à la fin de l'année.

En **Alberta**, des progrès sensibles ont été réalisés en matière d'éducation, mais la partie n'est pas gagnée pour autant. Par exemple, la question clé de la structure et de la gestion du système scolaire de langue minoritaire n'a toujours pas été réglée. De plus, tout porte à croire que le gouvernement définira sa propre position sur le jugement rendu dans l'affaire *Mahé et al.* avant de conclure une entente-cadre Canada-Alberta. Le ministre de l'Éducation a reconnu que les politiques et les règlements en matière d'enseignement en langue française devaient être revus à la lumière du jugement *Mahé et al.* Par ailleurs, le Ministère a préparé un document de travail dans lequel il explore divers moyens d'accorder aux francophones la gestion de leurs propres écoles. (Voir Partie I, chapitre 3.)

La Fédération des parents francophones de l'Alberta (FPFA) a jugé trop restrictives les mesures envisagées dans ce document, suggérant plutôt qu'on procède à une consultation élargie. Elle a invité le ministre de l'Éducation à « mettre sur pied un groupe de travail spécial chargé d'examiner la situation et de faire des recommandations susceptibles d'orienter la législation que prépare le gouvernement ». Initiative qui vaut d'être soulignée, l'Association des enseignants de l'Alberta a agréé aux principes d'une consultation élargie et d'une « gestion de leurs propres écoles par les francophones ». L'Alberta School Trustees' Association a également appuyé la création de conseils scolaires francophones régionaux.

L'Association canadienne-française de l'Alberta (ACFA) et la FPFA ont commandé une étude intitulée *Un système d'éducation franco-albertain : Étude sur la gestion et le contrôle de l'enseignement en français en Alberta.* Le rapport définitif, produit d'une série de consultations menées dans toutes les régions de la province, vise à définir, à la lumière du jugement *Mahé et al.*, la position des Franco-Albertains sur les droits scolaires. Les auteurs du rapport établissent les 16 principes qui, selon eux, sous-tendent le développement d'un système scolaire francophone efficace. Leurs recommandations semblent avoir été favorablement accueillies par la majorité de la communauté francophone.

Les parents francophones n'ont pas pour autant abandonné leur revendication de voir s'établir des écoles homogènes de langue française comme pré-requis essentiel à la formation de tout système scolaire de langue française. C'est d'ailleurs à ce chapitre qu'on a enregistré les progrès les plus considérables au cours de l'année. Les parents francophones de la ville de Saint-Paul, qui tentaient depuis cinq ans de convaincre le conseil scolaire de rassembler les étudiants de trois écoles dans une seule école de langue française, ont enfin obtenu gain de cause. Il a fallu l'intervention du ministre de l'Éducation, M. Jim Dinning, pour qui le nombre d'élèves francophones justifiait la création d'une école minoritaire, pour faire bouger le conseil scolaire. L'école a ouvert ses portes en septembre dernier et accueille les élèves de la première à la sixième année.

En septembre 1990, une nouvelle école de langue française a également ouvert ses portes dans la municipalité de Legal. Le conseil scolaire local avait d'abord déclaré que le nombre d'élèves admissibles ne justifiait pas la création d'un programme distinct, proposant que les élèves se rendent en autobus à l'école de langue française d'Edmonton située à quelque 35 kilomètres. Il a changé d'avis lorsque le conseil municipal a fait don d'un édifice pour abriter la nouvelle école. L'ACFA s'est réjouie du leadership du gouvernement dans les cas de Saint-Paul et de Legal. Il convient également de noter que le taux d'inscription dans les écoles francophones en Alberta a augmenté d'environ 10 p. 100 depuis 1989 et de 83 p. 100 depuis 1985-1986.

À la fin de l'année, la province a autorisé la construction d'une école francophone à Calgary. L'école fera partie intégrante du premier centre scolaire communautaire francophone dans l'Ouest. Le projet, qui doit satisfaire des besoins éducatifs, sociaux et communautaires, a reçu l'appui du Secrétariat d'État. L'école devrait accueillir plus de 600 élèves dès son ouverture. Le secrétaire d'État, M. Gerry Weiner, y a vu un « événement historique pour la communauté francophone de Calgary ».

Le ministère de l'Éducation a adopté une nouvelle politique de financement en vertu de laquelle les conseils scolaires accueillant des élèves d'un autre district seront automatiquement dédommagés par le conseil scolaire intéressé. Cette mesure vise à simplifier et à favoriser ce genre d'entente.

Grâce à l'aide financière des gouvernements fédéral et provincial, le Secteur de l'éducation permanente, Faculté Saint-Jean, a élaboré un premier programme d'alphabétisation à l'intention des Franco-Albertains. On peut également porter à l'actif du bilan de la province, sa décision d'octroyer au Centre culturel Marie-Anne Gaboury une subvention pour rénover ses installations. L'ouverture officielle du nouveau Centre a eu lieu en septembre dernier. Une série de consultations auprès de la communauté francophone a permis à l'ACFA, à la FPFA et à Francophonie Jeunesse de l'Alberta de cerner les points clés de la négociation d'une entente-cadre avec le gouvernement fédéral. Un rapport sur la question a été présenté au congrès annuel de l'ACFA tenu en novembre dernier à Rond-Point.

Les Franco-Albertains et les Albertains en général ont été invités à participer à la définition des positions constitutionnelles de leur province dans le cadre d'audiences publiques ayant débuté à l'automne 1990. Le groupe de travail de l'Alberta sur la réforme constitutionnelle, présidé par M. Jim Horsman, ministre des Affaires intergouvernementales, a pour mandat de tenir une série de tables rondes dont l'objet consistera à définir, dans un premier temps, la forme que devrait prendre la participation de l'Alberta à la réforme de la Constitution. Ces rencontres aboutiront à l'établissement d'un document de travail et à la tenue d'audiences publiques dans toutes les régions de la province. Il s'agit de définir la position de l'Alberta à l'égard de la réforme constitutionnelle avant que la question ne soit débattue à l'Assemblée législative.

L'Alberta n'a pas échappé à la réduction des services en langue française offerts par la Société Radio-Canada. À Edmonton, seul le bulletin d'information locale a survécu aux compressions budgétaires. Cette situation n'a pas manqué de soulever des questions sur la capacité de Radio-Canada de refléter les réalités diverses des communautés francophones du pays. L'ACFA a lancé une campagne d'envoi de lettres destinée à sensibiliser le gouvernement à ces questions.

À l'occasion de son congrès annuel, l'ACFA a également adopté une politique touchant les relations entre les communautés. Intitulé *Pour mieux vivre ensemble*, le document de l'ACFA se veut une ambitieuse tentative d'établir un cadre souple au sein duquel les trois communautés nationales — francophone, anglophone et autochtone — pourront vivre en harmonie et contribuer à la vitalité de la société canadienne. Ce rapport est le fruit d'une série de consultations auprès de la communauté francophone ainsi que d'autres collectivités culturelles et linguistiques.

En 1990, la **Colombie-Britannique** s'est employée à consolider les progrès. Son ministre de l'Éducation a fait connaître l'intention du gouvernement de régler la question de la gestion des écoles de la communauté minoritaire, notamment en créant un groupe de travail sur l'enseignement en langue française. Ce groupe doit se pencher sur la clause « là où le nombre le justifie » et sur l'adoption de mesures favorisant l'application de l'article 23 de la *Charte canadienne des droits et libertés* au sein du système scolaire de la province. Dirigé par M. Edgar Gallant, le groupe se réunit régulièrement depuis le mois de juin et doit soumettre son rapport au gouvernement provincial au plus tard le 31 janvier 1991. Le gouvernement a reconnu les principes établis par le jugement de la Cour suprême dans l'affaire *Mahé et al.*, affirmant qu'il les interpréterait « d'une façon large et généreuse ».

Soucieuse d'éclairer un débat qui revêt une importance capitale tant pour les Franco-Colombiens que pour l'ensemble des communautés francophones de l'Ouest, l'Association des parents du programme-cadre de français (APPCF) a commandé une étude sur les diverses méthodes de gestion des écoles de langue française. Paru en juin 1990, le rapport Xatruch propose la création de quatre conseils scolaires francophones au sein de la province. L'APPCF a aussi entrepris une étude sur les écoles communautaires, financée par le ministère de l'Éducation. À Chilliwack, une quatrième école de langue française, l'école La Vérendrye, a ouvert ses portes en 1990. De plus, le gouvernement a annoncé son intention de consacrer 250 millions de dollars à l'enseignement de plusieurs langues vivantes, dont le français.

S'inspirant de la vague d'unilinguisme qui a déferlé en Ontario, certaines petites municipalités rurales, dont Salmo et Montrose, se sont déclarées unilingues anglophones. Cependant, le sens exact de ces résolutions reste à déterminer. Face à l'opposition farouche exprimée par la population de Salmo, la municipalité a ainsi déclaré qu'elle envisageait de donner satisfaction à ceux qui ne parlaient

pas anglais. Notons que d'autres municipalités ont refusé d'examiner les propositions d'unilinguisme ou les ont carrément rejetées.

Un grand nombre de municipalités, les plus importantes surtout, ont choisi de prendre en compte la réalité linguistique et culturelle de leurs collectivités. Elles ont par conséquent adopté des résolutions invitant les francophones et les anglophones à la tolérance et à la générosité. Ce fut le cas, entre autres, des municipalités de Victoria, de Duncan, de Nanaimo, de Kelowna ainsi que du district de la région métropolitaine de Vancouver.

Cette année encore, les communautés de langue officielle minoritaires du pays ont accordé la priorité aux communications. Les francophones de la Colombie-Britannique ne font pas exception à la règle. La Fédération des Franco-Colombiens (FFC) a critiqué la décision de Radio-Canada de réduire ses services en langue française, y compris les « Actualités régionales », émission d'information locale. La FFC a mis en cause la capacité de la Société à respecter son mandat national. D'autres nouvelles sont toutefois plus réjouissantes. Ainsi, la Colombie-Britannique s'est jointe à la communauté planétaire de la francophonie. En effet, la Rogers Cable de Vancouver diffuse les émissions de la chaîne TV5 depuis septembre dernier. Sur le front culturel, l'ouverture à Vancouver d'une Maison de la francophonie a constitué une occasion longtemps attendue de célébrer le fait français en Colombie-Britannique. Le Commissaire, qui s'est rendu dans la province le printemps dernier, a assisté à l'inauguration de ce centre communautaire.

À la fin de l'année, le premier ministre Vander Zalm a annoncé la création d'un comité du Cabinet sur la Confédération. Selon M. Vander Zalm, la Colombie-Britannique compte proposer des réformes conçues pour favoriser l'évolution vers une fédération canadienne plus équitable sur le plan régional. La première tâche du comité consistera à examiner la meilleure façon d'assurer la participation de tous les citoyens à l'élaboration de nouvelles propositions constitutionnelles. Cette ouverture d'esprit ne manquera pas de réjouir les communautés linguistiques minoritaires qui, trop souvent, se sont senties exclues du processus de renouvellement constitutionnel.

Une fois de plus, le **Yukon** s'est imposé comme le véritable chef de file de la francophonie dans l'Ouest canadien. À l'écoute des besoins de la communauté francophone, il a démontré que même les petits peuvent voir grand. L'adoption, en mai dernier, d'une nouvelle loi scolaire s'inscrit dans le cadre des initiatives clés visant à assurer la survie des Franco-Yukonais. L'adoption de cette loi, qui reconnaît les droits scolaires de la minorité et prévoit la gestion de leurs écoles par les francophones, constitue manifestement un pas dans la bonne voie. L'Association des Franco-Yukonais (AFY) s'est dite très satisfaite de la loi, soulignant qu'elle répond pleinement aux attentes de la communauté francophone. Autre progrès, le ministre de l'Éducation a accepté de réunir sous un même toit toutes les

classes de l'école Émilie-Tremblay. La Garderie, centre francophone des services de garde qui a ouvert ses portes en février, avoisine l'école depuis octobre dernier. Le ministère de la Santé et du Bien-être social a assumé les frais de sa rénovation.

Les Franco-Yukonais continuent d'accorder la priorité à leur projet de « centre scolaire communautaire ». Le Commissaire a insisté sur le caractère essentiel du dossier lors de sa rencontre avec le chef du gouvernement, M. Tony Penikett, en juin dernier. S'entretenant avec des membres de l'AFY en septembre, M. Penikett les a assurés du soutien de son gouvernement sur ce projet, pour lequel une étude de faisabilité sera menée.

Le premier rapport du gouvernement du Yukon sur les langues officielles a également été publié en 1990. Selon l'AFY, ce rapport reflète fidèlement les attentes des Franco-Yukonais.

L'AFY a rencontré plusieurs ministres fédéraux au cours de 1990. Cette initiative a incité le ministère des Affaires indiennes et du Nord canadien à adopter un plan d'action qui a été bien accueilli par les francophones, et dont d'autres ministères pourraient s'inspirer. Autre exemple de l'efficacité de la stratégie de l'AFY : la Société canadienne des postes a jugé opportun de nommer un titulaire à un poste bilingue permanent à Whitehorse. L'action concertée de l'AFY et de plusieurs ministères fédéraux en vue d'améliorer les services en langue française au Yukon constitue une expérience qui vaudrait d'être tentée partout au pays.

L'AFY a également créé un comité chargé d'élaborer une stratégie de sensibilisation de la majorité aux besoins des Franco-Yukonais. Il faut espérer que cette initiative favorisera une meilleure entente entre les deux communautés linguistiques.

Dans les **Territoires du Nord-Ouest**, la lenteur des progrès a eu de quoi décevoir même les attentes les plus modestes. L'Assemblée législative continue de débattre le statut de plusieurs langues autochtones. Elle a d'ailleurs jugé opportun de former un comité chargé de proposer des amendements à la loi dans ce domaine. En janvier, le Comité sur les langues autochtones s'est entretenu avec de hauts fonctionnaires du Commissariat aux langues officielles du statut du français, de l'anglais et des langues autochtones. Notons toutefois que les efforts consentis au développement des services en langue française irritent quelque peu les autochtones, qui se sentent lésés. Le Commissaire s'est toujours montré favorable à l'application des droits linguistiques des autochtones et à la prestation de services dans leurs langues. Il a souligné à plusieurs reprises l'importance d'améliorer la qualité de l'enseignement en langues autochtones et de protéger le patrimoine linguistique de cette minorité, et s'est dit convaincu qu'on ne saurait régler les problèmes d'une minorité au détriment d'une autre. La Fédération Franco-TéNOise (FFT) a encouragé le gouvernement à poursuivre ces deux objectifs, et a accordé son appui à la loi 127 qui a amendé la *Loi sur les langues officielles* des Territoires du Nord-Ouest. La loi 127 accorde à six langues autochtones le statut

de langues officielles, au même titre que le français et l'anglais. D'aucuns prétendent que deux langues officielles... c'est une de trop. Les Territoires du Nord-Ouest ne sont certes pas de cet avis et ont maintenant huit langues officielles.

Vers la fin de l'année, l'Assemblée législative a demandé au Parlement d'approuver un amendement additionnel à la *Loi sur les langues officielles* des Territoires du Nord-Ouest. Adopté par le Parlement en novembre dernier, le *projet de loi nº C-92* vise à reporter au 1er avril 1992 le délai fixé pour la publication de toutes les lois en français et en anglais. La communauté francophone a été manifestement déçue de constater que toutes les lois n'étaient pas disponibles dans les deux langues officielles au 31 décembre 1990, date prévue par la *Loi sur les langues officielles*. Le gouvernement des Territoires du Nord-Ouest s'était engagé à traduire toutes les lois en 1984, mais n'a pas été en mesure de tenir son engagement. La tâche herculéenne que représentent la révision et la consolidation de la version anglaise des lois semble en partie responsable du second délai demandé. Les hauts fonctionnaires fédéraux du ministère de la Justice et du Secrétariat d'État, pour lesquels la traduction juridique n'a pas de secret, sont convaincus que les choses vont maintenant bon train, malgré un départ difficile.

Quoi qu'il en soit, toutes les autres dispositions de la *Loi sur les langues officielles* des Territoires du Nord-Ouest devaient entrer en vigueur le 31 décembre 1990. Elles jouent, à plusieurs égards, un rôle de premier plan dans l'épanouissement de la communauté francophone. Il s'agit notamment du statut égalitaire des deux langues officielles, du droit d'utiliser le français à l'Assemblée législative, de la publication des avis et des documents d'intérêt public en français, du droit d'utiliser le français devant les tribunaux, de la publication des jugements en français, y compris ceux de nature administrative, de la publication du journal des débats et des procès-verbaux de l'Assemblée législative en français. Il s'agit surtout du droit d'accès à des services en français, là où la demande est importante, dans les administrations centrales des institutions territoriales ou dans les bureaux dont la vocation favorise la prestation de services en langue française. Voilà une entreprise pour le moins ambitieuse. La communauté francophone craint en conséquence que la mise en œuvre intégrale de ces services ne soit longue. Lors d'une rencontre avec des hauts fonctionnaires territoriaux, la FFT a fait savoir qu'elle estimait avoir son mot à dire dans le processus de mise en œuvre de ces services. Le gouvernement a assuré la communauté francophone qu'il était déterminé à en accélérer le rythme. Monsieur Robert Nicholson, secrétaire parlementaire du ministre fédéral de la Justice, a mis l'accent sur l'engagement du gouvernement lors du débat sur l'adoption du *projet de loi nº C-92* :

> « Le ministre de la Justice des Territoires du Nord-Ouest nous a assuré, et d'autres ministres du gouvernement territorial nous l'ont confirmé, que le retard pris dans l'application des lois en français et en anglais ne modifierait nullement la disposition de la loi territoriale selon laquelle les services

gouvernementaux seront disponibles dans les deux langues officielles à compter du 1er janvier 1991. D'ailleurs, ce facteur a joué un rôle déterminant dans la décision du gouvernement de demander l'approbation du Parlement. »

Sans conteste, le délai est fâcheux. Cependant, il ne doit pas faire obstacle aux mesures qui s'imposent sur d'autres fronts. Par exemple, le gouvernement pourrait se montrer plus sensible aux besoins de la minorité francophone en élargissant son processus de consultation et en multipliant les actions concertées. À l'occasion de sa rencontre, en novembre dernier, avec certains ministres territoriaux, le Commissaire a souligné qu'un délai dans la traduction des lois serait acceptable dans la seule mesure où l'on garantirait qu'aucun autre retard ne surviendra et que le processus sera accéléré. Il s'est dit déçu qu'une mauvaise planification ait empêché le respect de l'échéance du 1er janvier 1991. Il a également souligné la nécessité d'assurer un large accès aux services en langue française et a soulevé la question de la gestion de leurs écoles par les francophones, telle qu'elle était abordée dans le jugement *Mahé et al.* À son avis, il ne saurait être question de concurrence entre la prestation de services aux autochtones et aux francophones. Les autorités locales doivent respecter leurs engagements auprès des deux collectivités. Ces messages ont également été transmis au ministère fédéral de la Justice et au Secrétariat d'État.

La FFT et l'Association franco-culturelle de Yellowknife (AFCY) ont commandé une étude visant à évaluer le besoin d'un centre communautaire francophone et la faisabilité d'un tel projet. À la suite de la première phase de l'étude, deux solutions ont été retenues : un « centre scolaire communautaire » ou « une maison de la francophonie » s'inspirant de celle de Vancouver. On procède actuellement à la seconde phase de l'étude.

L'Association des parents francophones de Yellowknife est d'avis qu'à la lumière du jugement *Mahé et al.*, certaines parties de la loi scolaire pourraient être inconstitutionnelles et, partant, a recouru aux tribunaux. Par suite de sa rencontre avec des représentants d'associations francophones, le gouvernement a examiné la possibilité de créer un comité parlementaire chargé de la question. On espère encore recourir à la négociation plutôt qu'à la justice pour régler ces différends. En novembre dernier, le ministre de l'Éducation des Territoires du Nord-Ouest a déposé un rapport sur les droits linguistiques dans l'enseignement, qui constituera un des éléments d'un processus de consultation élargie.

On commence, enfin, à voir la lumière au bout du tunnel dans le dossier des services en langue française offerts par la Société Radio-Canada (SRC) à Yellowknife. Des négociations entre le Secrétariat d'État, la SRC, la FFT et l'ACFY ont abouti à un accord en vertu duquel le Secrétariat d'État et l'ACFY assumeraient une partie du coût lié à ces services. Si les choses se déroulent comme prévu, la communauté francophone disposera de services en langue française dès 1991.

L'Ontario

« En l'espace de deux décennies, la société franco-ontarienne, qui était affligée du syndrome du "né pour un petit pain", et de surcroît rassis, est devenue sûre d'elle-même. Maintenant consciente de sa force collective, elle s'empresse de faire valoir ses droits avec vigueur dès qu'elle sent qu'ils peuvent être remis en question. » Monsieur Gérard Bertrand, ancien président de la Commission des services en français créée à la suite de l'adoption en 1986 de la *Loi sur les services en français* (loi 8) et qui connaît bien ce dont il parle, commentait ainsi l'essor remarquable de la communauté francophone en Ontario au cours des dernières années. Cette communauté, forte de quelque 500 000 personnes, a continué à enregistrer des gains en 1990.

Dans l'introduction à la présente partie, il est question des débats envenimés au sujet des langues officielles tenus dans plusieurs municipalités ontariennes et de la diminution lente mais persistante des transferts linguistiques. Nous ferons d'abord un survol de quelques événements importants et soulignerons certains aspects positifs qui n'ont pas reçu, à notre avis, toute l'attention qu'ils méritent. Après avoir discuté des municipalités unilingues, des services gouvernementaux ainsi que des services sociaux et de santé, nous traiterons de l'éducation, en premier lieu de l'instruction primaire et secondaire et, en second lieu, de l'enseignement collégial et universitaire. Nous poursuivrons avec une analyse des thèmes linguistiques abordés lors des élections en Ontario, et soulignerons les excellentes dispositions du premier ministre Rae en la matière. Nous terminerons par un regard sur certains aspects de la vie des collectivités et des associations franco-ontariennes.

Les langues officielles dans les municipalités

L'année 1990 a bien mal commencé ! Des groupes militants tentent depuis longtemps de convaincre les Ontariens de se déclarer unilingues anglais et les municipalités de la province constituent leur cible préférée. À l'appui de leur cause, ils invoquent les coûts prétendument exorbitants du bilinguisme et le danger imaginaire d'une diminution du nombre d'emplois pour les anglophones en raison de la loi 8. Ces arguments jouissaient déjà d'une certaine popularité parmi quelques maires et conseillers municipaux. Pourtant, les coûts de tous les services en français ne représentent pas la moitié de 1 p. 100 du budget ontarien, et certains d'entre eux sont même partagés par le gouvernement fédéral. De plus, la loi 8 n'oblige pas les municipalités à offrir les services en français même si elle en prévoit la possibilité. Le 29 janvier 1990, à la suite d'une pétition comprenant 25 000 noms, le Conseil municipal de Sault-Sainte-Marie adoptait une résolution déclarant l'anglais langue commune de travail et langue officielle de la municipalité. Deux semaines plus tard, la ville de Thunder Bay lui emboîtait le pas. Soixante-deux municipalités, petites pour la plupart et représentant moins de 9 p. 100 de la population ontarienne, suivirent ces exemples au cours des trois premiers mois de l'année.

Les francophones eurent beau protester, ces conseils municipaux restèrent inébranlables. Le premier ministre provincial d'alors, M. David Peterson,

réprouva ces résolutions municipales. L'Association canadienne-française de l'Ontario (ACFO) mit sur pied un fonds de solidarité afin de manifester son appui aux communautés francophones touchées. De plus, un grand nombre de citoyens de langue anglaise ainsi que l'association Canadian Parents for French (CPF) se déclarèrent contre les résolutions prônant l'unilinguisme et en faveur de la tolérance et de l'ouverture aux autres groupes linguistiques. Le Commissaire aux langues officielles a aussi vivement critiqué ces résolutions, signalant non seulement qu'elles font injure aux groupes franco-ontariens en situation minoritaire — sans parler de leur complète futilité — mais aussi que de tels gestes présentent un danger pour l'ensemble du Canada. « Les événements qui se sont déroulés à partir de la déclaration d'unilinguisme à Sault-Sainte-Marie débordent de beaucoup le cadre municipal. Ils ont un retentissement national et une profonde signification. Il s'agit, à notre point de vue, d'une attaque à peine déguisée contre le principe même de la dualité linguistique canadienne sous diverses formes et sous divers prétextes », devait-il déclarer tout en remettant les choses en perspective.

À la Chambre des communes, le premier ministre du Canada, M. Brian Mulroney, a qualifié les résolutions municipales d'unilinguisme de « regrettables dénis des valeurs du Canada ». Au nom du Parti libéral, M. Herb Gray a déclaré : « J'espère que tous les Canadiens conviendront avec moi qu'on ne se construit pas soi-même en détruisant quelqu'un d'autre », alors que M. Lorne Nystrom, se faisant le porte-parole du Nouveau Parti démocratique (NDP), affirmait qu'il « importe que la Chambre prenne rapidement une position très ferme en faveur de la dualité du Canada ». Le 15 février 1990, la Chambre adoptait à l'unanimité et sans équivoque une motion spéciale présentée par le gouvernement en réponse aux résolutions municipales d'unilinguisme : « Que la Chambre réaffirme son engagement à protéger, [à] appuyer et [à] promouvoir la dualité linguistique canadienne [...] »

En effet, si aucune des 64 municipalités n'a révoqué sa résolution d'unilinguisme, leur ardeur a connu un ralentissement que nous avions d'ailleurs prévu dès le mois de février. En outre, bon nombre d'autres municipalités ont réagi en faveur d'une politique de langues officielles et ont fait preuve d'ouverture d'esprit envers leurs citoyens francophones. En février, M. Art Eggleton, maire de Toronto, a exprimé sa désapprobation envers les municipalités qui se sont déclarées unilingues, affirmant qu'il « faut montrer à tous les francophones hors Québec que la ville de Toronto leur donne un appui inconditionnel dans leur lutte pour le bilinguisme ». Ainsi, la Ville-Reine s'est engagée à offrir ses services municipaux et policiers en langue française. Les maires de cinq autres grandes villes de la province ont appuyé M. Eggleton. Plus de 30 municipalités ontariennes représentant 39 p. 100 de la population de la province ont adopté, sans y être nullement contraintes, des politiques en faveur de la prestation de services en français ou dans les deux langues officielles. La Fédération canadienne des municipalités a formulé des recommandations et émis des directives visant à

inciter les municipalités à offrir leurs services dans les deux langues et les a informées des dispositions à prendre pour le faire.

Quelques semaines après la résolution de Sault-Sainte-Marie, Mme Gisèle Lalonde, mairesse de Vanier et marraine de la nouvelle Association française des municipalités de l'Ontario (AFMO), a affirmé dans un discours prononcé le 5 avril que, malgré les blessures occasionnées par la crise, les Franco-Ontariens pouvaient, de plus en plus, compter sur la reconnaissance de leurs droits. Par ailleurs, le sondage Environics, mené en mai 1990, a révélé que 59 p. 100 des Ontariens appuyaient l'usage des deux langues officielles à l'échelle provinciale. Enfin, l'Association des municipalités de l'Ontario adoptait par vote majoritaire, au cours d'une réunion plénière tenue au mois d'août, une résolution entérinant la prestation des services municipaux dans les deux langues. Nous traitons, au Chapitre premier, des répercussions nationales de l'action des promoteurs de l'unilinguisme municipal et de l'incident de Brockville survenu en septembre 1989, mais qui a surtout retenu l'attention au Québec au début de 1990.

La Loi sur les services en français

Malgré ces incidents récents survenus à l'échelle municipale, l'évolution linguistique en Ontario est indubitable. Le 19 novembre 1989, qui marque l'entrée en vigueur de la loi 8, est une date mémorable dans les annales de la province car ce jour-là, l'Ontario commence officiellement à vivre la dualité linguistique. Le texte de la Loi reconnaît que « la langue française a joué en Ontario un rôle historique et honorable » et qu'elle jouit du statut de langue officielle devant les tribunaux et dans l'éducation. De plus, « chacun a droit à l'emploi du français » dans ses relations avec les administrations centrales des institutions gouvernementales ainsi qu'avec les bureaux régionaux situés dans 22 régions désignées où habitent d'importantes populations francophones.

Depuis l'adoption de cette loi, un ministre délégué aux Affaires francophones, appuyé par un Office permanent, surveille le programme de mise en œuvre de la *Loi sur les services en français*. Les principales institutions du gouvernement provincial, dont 29 ministères et 8 autres organismes publics, ont adopté des plans de mise en œuvre de services en français. Des lignes directrices à ce sujet, préparées par l'Office des affaires francophones, ont été envoyées aux institutions gouvernementales de la région métropolitaine de Toronto et des 22 régions désignées. Quelque 5 000 postes, représentant 6,2 p. 100 de l'ensemble des postes à la fonction publique provinciale, ont été désignés aux fins des services en français. Le gouvernement ontarien a publié cette année un répertoire des services qu'il offre au public, assorti d'une carte des régions désignées dans le cadre de la loi 8.

Les Franco-Ontariens reconnaissent l'importance de la *Loi sur les services en français*. La présidente sortante de l'ACFO, Mme Rolande Soucie, a déclaré en parlant des services en français : « Avec les acquis législatifs des dernières années, les Franco-Ontariens peuvent affirmer "c'est notre droit" ». Cependant, plusieurs membres de la communauté francophone ont souligné les failles que présentent les services en langue française et ont réclamé des mécanismes de

surveillance et de vérification. D'aucuns parlaient d'un ombudsman chargé du dossier linguistique et d'un comité parlementaire linguistique semblable à celui créé par le gouvernement fédéral, proposition dont le Commissaire a pu s'entretenir avec le premier ministre Rae. Enfin, d'autres encore ont signalé qu'un comité consultatif ministériel, chargé de la surveillance de l'application de la loi 8, avait été mis sur pied par le gouvernement Peterson et qu'il pouvait être utile d'avoir recours à un tel mécanisme indépendant.

Par ailleurs, le programme linguistique du gouvernement ontarien ne se limite pas uniquement à ses institutions; un certain nombre d'autres organismes publics et communautaires ont été désignés par accords spéciaux comme organismes offrant des services en français. Par exemple, le Musée royal de l'Ontario à Toronto est fier d'offrir des visites guidées en français. Notons que l'Office des affaires francophones reçoit et traite des plaintes du public mettant en cause les services en français offerts par les organismes provinciaux. En 1989-1990, l'Office a reçu un total de 220 plaintes. Enfin, des amendements apportés cette année à la *Loi sur les tribunaux judiciaires* ont rendu officiel le droit des francophones à un procès civil en français dans les régions désignées de la province. Les francophones se prévalent de plus en plus de ce droit : dans son rapport annuel de 1989, le juge en chef de la province, M. William Howland, rapporte que 2 716 causes ont été entendues en français, ce qui représente une augmentation de 20 p. 100 par rapport à l'année précédente.

Les services sociaux et de santé

Depuis longtemps, les Franco-Ontariens se plaignent de la difficulté à avoir accès à des services sociaux et de santé dans leur langue première. Aux termes de la loi 8, il est possible de désigner certains hôpitaux et centres de services sociaux comme établissements offrant des services en français, et d'obtenir à cette fin de l'aide du gouvernement. Une trentaine d'hôpitaux et de centres de services sociaux, notamment dans l'est et dans le nord de la province, ont reçu une telle désignation et offrent les services en français. Le nouveau Centre médico-social de Toronto a rapidement été reconnu comme une réussite puisque plus de 1 000 clients francophones s'y sont présentés et ce, moins d'un an après son ouverture. Par ailleurs, ce centre joue un rôle important au chapitre de la coordination des services sociaux en langue française. Notons que pas moins de 37 associations et centres œuvrant dans le secteur communautaire de langue française ont reçu des subventions spéciales de l'Office des affaires francophones. Parmi les principales réalisations dans le domaine de la santé, mentionnons la formation linguistique ainsi que la préparation de guides et de lexiques destinés à aider les professionnels de la santé de langues française et anglaise à mieux servir les clients francophones. La province a cependant encore un long chemin à parcourir dans ce domaine. Après avoir visité le nord de l'Ontario avec un groupe de travail sur les soins de santé, M. Bob Rae, alors chef de l'opposition, s'est toutefois montré optimiste.

De plus, l'ACFO et d'autres associations ont fait état des besoins en matière de garderies. Monsieur André Nadeau écrivait dans *Le Droit* que les services de

garderie de langue française sont doublement défavorisés en raison de la faible concentration et de la dispersion géographique de la population francophone. Dans le discours du trône du 20 novembre 1990, le lieutenant-gouverneur de la province, M. Lincoln Alexander, a déclaré, sans toutefois faire mention spécifiquement des garderies de langue française, que les politiques et les programmes gouvernementaux devaient changer afin de tenir compte des nouvelles réalités touchant la vie familiale et la présence accrue des femmes sur le marché du travail.

Éducation primaire et secondaire

Si le gouvernement a su améliorer ses services en français, c'est dans les secteurs de l'éducation et de la formation professionnelle que les progrès les plus remarquables ont été accomplis. En 1989, le gouvernement a créé des conseils scolaires de langue française autonomes à Ottawa et à Toronto. Depuis lors, quelque 20 000 jeunes se sont inscrits dans les 57 écoles de ces deux conseils. Les autres 75 000 élèves franco-ontariens ont étudié dans 300 écoles régies par 65 conseils scolaires mixtes, composés de représentants francophones et anglophones. Aux termes de la loi scolaire, les conseillers francophones, constitués en comité consultatif ou en section de langue française au sein de ces conseils scolaires mixtes, ont des pouvoirs particuliers concernant la gestion des écoles et des classes des élèves francophones, mais il s'agit généralement de pouvoirs partagés avec le conseil dans son ensemble. Par ailleurs, la Loi stipule clairement le droit de l'enfant francophone à une instruction en français. L'expérience des conseils de langue française à Ottawa et à Toronto étant faite, des francophones d'autres régions, insatisfaits de leur situation minoritaire au sein des conseils mixtes, réclament à leur tour des conseils autonomes. Pour certains, ces revendications remontent déjà à plusieurs années et ils ont menacé pendant quelque temps d'engager des poursuites judiciaires dont ils croyaient pouvoir sortir victorieux, étant donné la décision rendue par la Cour suprême, en mars 1990, dans l'affaire *Mahé et al.* Ce fut notamment le cas des représentants des écoles francophones des comtés unis de Prescott-Russell, où le gouvernement avait recommandé l'établissement d'un conseil scolaire de langue française à la suite d'une enquête spéciale effectuée en 1987.

Le gouvernement libéral a refusé, pendant les neuf premiers mois de l'année, de créer d'autres conseils scolaires de langue française. Toutefois, il a accepté de revoir la loi scolaire en vue d'augmenter le nombre de représentants francophones au sein des conseils scolaires mixtes. De plus, le gouvernement a mis sur pied, en juin, un groupe de travail chargé de l'élaboration de critères et de modalités d'établissement d'autres conseils de langue française. Enfin, au mois de novembre, la ministre de l'Éducation du gouvernement néo-démocrate, M^me^ Marion Boyd, a annoncé la création d'un groupe consultatif sur la gestion de l'éducation en langue française en Ontario, de même que son intention de présenter des modifications à la loi scolaire afin de permettre l'établissement d'autres conseils scolaires de langue française. De plus, M^me^ Boyd a entamé des consultations relativement à la mise sur pied de nouveaux conseils de langue française dans les comtés de Prescott-Russell et de Simcoe.

Malgré le fait que le Conseil scolaire de Lakehead ait refusé cette année de former des classes françaises pour ses 17 élèves francophones, de bonnes initiatives ont tout de même été entreprises dans le nord-ouest de la province. Ainsi, le Conseil scolaire de Geraldton a annoncé la construction de la première école secondaire de langue française dans la région du nord-ouest ontarien. Par ailleurs, à North Bay, le Conseil scolaire de Nipissing a ouvert une première école publique de langue française dans ce district. De plus, les conseils scolaires publics et séparés à Kingston et à London ont étudié la possibilité d'établir des écoles secondaires de langue française dans ces villes. Finalement, on a annoncé l'ouverture d'écoles publiques de langue française à Rockland et à Cornwall.

Fait important à signaler, il existe, surtout dans les régions éloignées, une pénurie de professeurs francophones, qualifiés pour l'enseignement de matières techniques et scientifiques. La province ne forme pas assez d'enseignants de langue française pour répondre à la demande et se voit obligée chaque année d'embaucher près de la moitié des nouveaux enseignants à l'extérieur, en particulier au Québec et en Acadie. Voilà pourquoi le Conseil ontarien sur la formation du personnel enseignant a entamé une recherche sur le sujet dont les résultats devraient être disponibles au printemps 1991. Une deuxième étude connexe, portant sur les compétences linguistiques des enseignants des écoles de langue française, sera bientôt entreprise. (Voir la partie V pour de plus amples renseignements sur la pénurie d'enseignants.)

Les statistiques du chercheur Roger Bernard, rendues publiques en 1990 par la Fédération des jeunes Canadiens français, ont révélé que 21,5 p. 100 des Franco-Ontariens n'ont pas fait d'études secondaires, ce qui représente un taux de sous-scolarisation deux fois plus élevé que chez les anglophones de la province. L'importance des programmes d'alphabétisation est de plus en plus reconnue au sein de la communauté. Monsieur Adrien Cantin, dans un éditorial du quotidien *Le Droit* publié le 1er juin 1990, a affirmé à cet égard : « Il est donc devenu urgent pour la communauté franco-ontarienne de voir à mettre entre les mains de chacun de ses membres les outils pour atteindre ces niveaux d'excellence. Parmi les plus importants : apprendre à lire et à écrire à ceux qui ne le savent pas. » C'est donc avec joie que l'on a appris l'ouverture d'un Centre franco-ontarien de ressources en alphabétisation à Sudbury. Ce centre fait la promotion de l'alphabétisation chez les Franco-Ontariens, grâce à la collaboration du ministère de l'Éducation et du Secrétariat national à l'alphabétisation, relevant du Secrétariat d'État.

Les collèges et universités

Des progrès remarquables ont été réalisés en 1990 en matière de programmes d'enseignement de langue française au niveau postsecondaire. Un collège d'arts appliqués et de technologie de langue française, la Cité collégiale, a ouvert ses portes cette année. Elle a accueilli un nombre impressionnant de 2 100 étudiants au campus principal d'Ottawa et aux campus affiliés de Hawkesbury et de Cornwall. Près de 1 000 élèves provenaient du Collège Algonquin d'Ottawa. La Cité collégiale compte 160 professeurs à plein temps et offre à ses étudiants

70 programmes scolaires. Situé temporairement dans des édifices du boulevard Saint-Laurent à Ottawa, le siège social du collège doit déménager dans un campus permanent en 1994.

L'ouverture de la Cité collégiale ayant suscité l'intérêt des francophones des autres régions de la province, le gouvernement Peterson a mis sur pied, le 5 avril, deux commissions consultatives, toutes deux présidées par M. Jean-Louis Bourdeau, afin d'étudier les services collégiaux en langue française dans le nord et le centre-sud de la province. Au cours des audiences de ces commissions, plusieurs représentants des communautés francophones de ces régions ont souligné la sous-scolarisation des Franco-Ontariens et l'urgence de créer des institutions homogènes francophones. Par exemple, M. Pierre Albert, dans un éditorial de l'hebdomadaire *Le Nord* de Hearst, publié le 28 mars 1990, écrivait : « Tout commence par l'éducation. Le dynamisme vient avec le savoir-faire. Les avantages d'une présence de services collégiaux de langue française de qualité [...] sont innombrables. »

D'autres chefs de file de la communauté francophone ont poursuivi le débat en affirmant que le rattrapage scolaire des francophones dépendra non seulement du rayonnement de la Cité collégiale dans l'est de l'Ontario, mais également de l'établissement d'un réseau complet de collèges de langue française dans toutes les régions de la province. Alors qu'ils étaient dans l'opposition, les Néo-Démocrates comptaient parmi les chauds partisans de ce projet. Dans un mémoire présenté au nom de son parti devant la commission consultative, M. Richard Allen, ministre des Collèges et Universités depuis le mois d'octobre, avait écrit : « Le Nouveau Parti démocratique de l'Ontario est favorable à la gestion par les francophones des établissements d'enseignement de langue française [...] [Il] appuie la création d'un réseau de collèges de langue française [...] [et] aimerait que les collèges bénéficient d'un financement accru. » Dans les rapports présentés au gouvernement le 15 octobre, les commissions ont en effet recommandé l'établissement de deux nouveaux collèges de langue française pour le mois de septembre 1992 : l'un desservant les quelque 2 500 étudiants francophones du nord de la province et l'autre destiné aux 1 000 élèves du sud-ouest. De plus, elles ont proposé la création d'un Conseil provincial des services collégiaux de langue française. Vers la fin de l'année, le ministre Allen a annoncé qu'il présenterait des recommandations au Conseil des ministres en s'inspirant de ces rapports.

La communauté de langue française était peut-être unanime à réclamer un réseau de collèges francophones, mais les avis sont partagés au sujet de l'université de langue française, en raison des répercussions éventuelles sur les établissements bilingues actuels. Plusieurs personnalités faisant autorité ont défendu les universités bilingues actuelles, c'est-à-dire l'Université d'Ottawa, l'Université Laurentienne à Sudbury, le Collège universitaire de Hearst et le Collège Glendon de l'Université York à Toronto. Par exemple, M. Marcel Hamelin, nouveau

recteur de l'Université d'Ottawa entré en fonction en janvier 1990, s'est engagé à adopter une politique pour la promotion du français dans son institution : « J'ai nettement l'intention d'accorder [...] priorité au développement d'une collaboration fructueuse, efficace et respectueuse entre l'Université d'Ottawa et la collectivité française de l'Ontario [...] l'Université s'est attachée à étendre l'envergure et la qualité de ses services universitaires en français [...] » L'Université d'Ottawa, fréquentée en majorité par des étudiants anglophones, a offert en 1990 131 programmes scolaires en français comparativement à 179 en anglais, mais elle entend augmenter le nombre de programmes français et s'assurer que d'ici 1992 tous les programmes scientifiques de premier cycle seront offerts en langue française. À la fin de l'année, le Sénat de l'Université a annoncé l'élaboration d'un plan quinquennal portant sur le bilinguisme intégral, afin d'offrir tous ses programmes en français et en anglais.

Par ailleurs, l'option de l'université homogène de langue française semble gagner du terrain, notamment à la lumière des résultats obtenus au cours d'un cheminement historique assez différent de l'université francophone de Moncton et des universités anglophones du Québec. Une étude menée par Mme Anne Gilbert pour le compte de l'ACFO, rendue publique en décembre, a démontré que pas moins de 15 322 étudiants de langue maternelle française étaient inscrits dans les universités ontariennes en mars 1990. De ce nombre, 8 767 étudiaient à temps complet. L'étude a signalé qu'il s'agissait d'une clientèle plus nombreuse que celle de plusieurs universités ontariennes et de celle de l'Université de Moncton. Cette étude révèle en outre que plus de 500 professeurs d'universités bilingues de l'Ontario sont de langue maternelle française et que des centaines d'autres connaissent bien le français.

En se fondant sur cette étude, l'ACFO, étant donné sa position à ce sujet, conclut que l'Ontario français possède les ressources nécessaires pour la création d'une université de langue française et souhaite que la question reçoive toute l'attention qu'elle mérite. Le nouveau président de l'Association, M. Jean Tanguay, a déclaré que « la communauté francophone de l'Ontario bénéficie déjà de plusieurs atouts qui permettraient à une université de langue française de relever le double défi de remplir les fonctions traditionnelles d'enseignement et de recherche et d'offrir aux francophones les instruments de développement qui leur permettront d'entrer de plain-pied dans le XXIe siècle ». Alors qu'il était dans l'opposition, le NPD avait appuyé l'instauration d'une université francophone en Ontario. De plus, au mois de novembre, un groupe de 150 universitaires demandant l'établissement d'une université de langue française dans la province, a fondé la Société des universitaires de langue française de l'Ontario (SULFO).

Les élections Le 30 juillet 1990, deux ans à peine après avoir obtenu son mandat, M. Peterson déclenchait des élections. Sans mettre le dossier de la langue au premier plan au cours de la campagne électorale, l'ex-premier ministre n'a pas été sans aborder la question. Le gouvernement et l'opposition officielle appuyaient tous deux la

loi 8 et, dans certaines régions, ils durent faire face à des adversaires déterminés. Un nouveau parti, le Confederation of Regions (CoR), favorisait même le retrait de la loi 8 et présentait 32 candidats. De son côté, M. Mike Harris, chef du Parti conservateur élu au mois de mai, accusait le gouvernement d'imposer le bilinguisme aux Ontariens. Même s'il avait voté en faveur de la loi 8 en 1986, M. Harris exprimait l'avis que sa mise en œuvre avait été inefficace et coûteuse. Ainsi, M. Peterson eut à défendre à plusieurs reprises ses politiques linguistiques au cours de la campagne électorale et, devant ses détracteurs, il déclara que le bilinguisme officiel (c'est-à-dire enchâssé dans la Constitution) n'était pas prévu pour l'immédiat. Quant au chef du NPD, il appuyait non seulement les services en français aux termes de la loi 8, mais également la reconnaissance éventuelle du bilinguisme officiel en Ontario, ainsi que « l'établissement d'un comité permanent de l'Assemblée législative sur la loi 8 et sur les affaires francophones ».

Lorsque les bureaux de scrutin ont compté les votes le soir du 6 septembre, ce fut le NPD qui remporta la victoire avec 74 sièges contre 36 pour les Libéraux et 20 pour les Conservateurs. Aucun candidat du CoR n'a été élu; ce parti n'a reçu que 2 p. 100 des voix à l'échelle provinciale et 8 p. 100 dans les circonscriptions où il avait des candidats en lice. Dès qu'il fut assermenté comme premier ministre le 1er octobre, M. Rae mit l'accent sur les questions sociales et économiques et, s'exprimant en français à plusieurs reprises, ne tarda pas à confirmer ses dispositions favorables à l'égard de la communauté franco-ontarienne dans certains dossiers clés. Ainsi, comme nous l'avons vu, le nouveau gouvernement devait bientôt s'engager à mettre en œuvre la loi 8 et témoigner son intérêt pour les projets d'établissement de nouveaux collèges et de conseils scolaires de langue française, de centres de services sociaux et de santé en français. Dans une déclaration subséquente, M. Rae indiqua qu'il ne prévoyait pas faire enchâsser dans la Constitution le bilinguisme durant son premier mandat. La communauté franco-ontarienne restera longtemps reconnaissante à l'ex-premier ministre Peterson à cause de son sens de la justice et des progrès considérables réalisés durant son mandat. Toutefois, elle ne peut que se réjouir de l'élection de son successeur et d'autres chefs de file conscients de l'importance de la dualité linguistique ainsi que de la communauté franco-ontarienne, et bien déterminés à aller de l'avant.

Le 19 décembre 1990, le premier ministre Rae annonçait à l'Assemblée législative la mise sur pied d'un « Comité spécial sur l'Ontario au sein de la Confédération » à qui l'on a donné mandat d'étudier les intérêts et les aspirations sociaux et économiques de la population, et de déterminer le modèle fédéral susceptible d'y répondre le mieux. Monsieur Rae a affirmé que ce comité tiendra des audiences dans toute la province au mois de février 1991 et qu'il fera rapport à la législature en mars.

La communauté franco-ontarienne

La communauté francophone de l'est de la province a toujours son quotidien, *Le Droit* d'Ottawa, tandis que des hebdomadaires français sont publiés dans plusieurs autres régions. Le gouvernement ontarien a annoncé au mois d'août qu'il assurera la permanence de la chaîne française TVOntario, qui n'avait

jusqu'en 1990 qu'un statut temporaire établi grâce à un accord fédéral-provincial. Nous sommes heureux de cette décision car cette chaîne française présente des émissions de haut calibre. Cette année, elle a diffusé quelque 107 émissions éducatives par semaine et a rejoint les foyers francophones de toutes les régions de la province à l'exception de quelques-uns situés dans le nord de l'Ontario. Par contre, la communauté francophone de Toronto a été horrifiée d'apprendre, le 5 décembre, que sa station, CBLFT, allait fermer ses portes en raison des compressions budgétaires à la Société Radio-Canada et qu'on amputerait de quatre millions de dollars le budget de la station française d'Ottawa où les services devaient être regroupés, station qui avait déjà la double mission de servir la communauté francophone de l'ouest du Québec en plus de l'est de l'Ontario. Ces réductions, qui touchaient également les services du réseau anglais de Radio-Canada ont soulevé un tollé général, en décembre.

Par ailleurs, le Festival franco-ontarien a encore une fois cette année attiré des foules record à Ottawa à la mi-juin. D'autres festivals organisés dans diverses régions de la province ont également connu du succès, notamment *La Nuit sur l'étang* à Sudbury et à Toronto où la fête de la Saint-Jean constitue maintenant une tradition vieille de dix ans. De plus, le Conseil des arts de l'Ontario (CAO) a rendu public un rapport dans lequel il formule des recommandations à l'appui du théâtre franco-ontarien. Le rapport demande au CAO d'établir des structures administratives qui pourraient mieux répondre aux besoins des petites troupes de théâtre comme les compagnies franco-ontariennes. La province compte près de 50 acteurs professionnels francophones et quelque 400 amateurs.

L'Association canadienne-française de l'Ontario (ACFO) a connu une année 1990 bien remplie. Sérieusement ébranlée par les débats constitutionnels entourant l'Accord du lac Meech et par des compressions budgétaires, elle a dû déployer des efforts considérables en vue de favoriser la compréhension et le respect mutuels entre les deux communautés linguistiques, notamment lorsque ses représentants ont comparu devant la Commission Bélanger-Campeau en décembre. De plus, sous la direction de son président, M. Jean Tanguay, l'ACFO a participé à sa façon à la campagne électorale en Ontario cet été en faisant parvenir aux partis politiques des questionnaires sur des sujets importants pour les Franco-Ontariens, et en publiant les résultats. L'Association est intervenue dans un certain nombre de débats au cours de l'année, en particulier ceux traitant de l'enseignement postsecondaire en français, de l'établissement de conseils scolaires et de garderies de langue française ainsi que de la défense de la radio communautaire francophone. De plus, l'ACFO a participé activement à la Coalition pour la télévision française en Ontario, au mouvement de protestation contre la fermeture de la station CBLFT de Toronto et contre les réductions budgétaires annoncées par la Société Radio-Canada en décembre. Elle s'intéresse vivement à la mise en œuvre de la *Loi sur les langues officielles* de 1988 ainsi qu'à sa réglementation. L'Association a entrepris une vaste consultation de la communauté franco-ontarienne par le truchement de questionnaires et de colloques régionaux

en prévision des assises annuelles de juin 1991. Enfin, faisant pendant à l'Association multiculturelle francophone de l'Ontario (AMFO) qui existe déjà depuis deux ans, l'Association interculturelle franco-ontarienne (AIFO), signe de la diversité culturelle de la communauté francophone de l'Ontario, a été créée en 1990. Cette dernière, qui regroupera des Franco-Ontariens d'origines ethniques diverses, a pour mandat de faciliter leur intégration à la société ontarienne et, plus particulièrement, à la communauté francophone.

En conclusion, même si tout n'est pas parfait, les progrès du régime linguistique en Ontario sont incontestables. Nous en voulons pour preuve cette déclaration de la Fédération des francophones hors Québec : « L'Ontario est partie de loin. Aujourd'hui elle a fait un bout de chemin impressionnant [...] Dans une perspective nationale [...] la province fait indéniablement bonne figure. » Nous ne saurions trop lui recommander de poursuivre dans cette voie.

Québec

« J'estime que la collectivité anglophone se doit d'être consciente de tout ce qui se passe au Québec et dans la communauté de langue française. » Ces mots de Norman Webster, rédacteur en chef de la *Gazette* de Montréal, expriment le nouvel esprit de participation des 700 000 citoyens anglophones du Québec. La province comprend également, outre quelque 5,5 millions de francophones, 450 000 personnes dont la première langue n'est ni le français, ni l'anglais. La communauté anglophone, qui représente plus de 10 p. 100 de la population, semble être sortie de son isolement traditionnel en brisant les « deux solitudes » d'autrefois. Ce changement progressif s'est manifesté, au cours de l'année, par plusieurs indices témoignant du fait que les Anglo-Québécois, tout en préservant leur identité propre, cherchent à se rapprocher de la majorité francophone. Ainsi, les membres anglophones de l'Assemblée nationale ont assumé des rôles de premier plan dans la vie politique de la province; les observateurs anglophones ont publié des articles dans les quotidiens de langue française et paru à la télévision francophone, et les groupes de pression représentant la minorité sont intervenus, souvent en français, dans les débats sur les questions d'intérêt public. Par ailleurs, on pouvait déceler chez les francophones une réaction favorable à ce courant. Par exemple, un ancien associé de René Lévesque, M. Louis Bernard, aujourd'hui vice-président de la Banque laurentienne, a évoqué devant la Commission Bélanger-Campeau les intérêts communs du Québec et du Canada anglais, et M. Léon Dion, professeur de sciences politiques et conseiller du premier ministre Bourassa, a affirmé que le Québec, même indépendant, devrait « inscrire dans ses statuts les droits de ses citoyens anglophones ».

Au fil des ans, des milliers d'Anglo-Québécois ordinaires ont modifié leur attitude envers la langue française et ont fait des progrès remarquables dans leur seconde langue officielle. Cette collectivité, majoritairement unilingue il y a une génération, comprend aujourd'hui pas moins de 384 000 personnes qui se disent

bilingues, soit près de 60 p. 100 des anglophones de la province. Ces données, provenant du recensement de 1986, ont été confirmées cette année par un sondage d'Alliance Québec indiquant que 60 p. 100 des Anglo-Québécois utilisent quotidiennement leur langue seconde, surtout au travail et dans les magasins. Ce sondage a révélé également que ce sont les jeunes qui font les efforts les plus importants à cet égard; au cours des cinq dernières années, ils ont beaucoup amélioré leur connaissance du français. Une étude réalisée pour le compte du Commissariat dans la zone québécoise de la région de la capitale nationale a livré des conclusions semblables : la moitié des 216 répondants anglophones ont dit qu'ils parlaient couramment le français, et qu'ils parlaient souvent cette langue avec leurs amis au travail et pendant d'autres activités de tous les jours. En outre, plus de la moitié des répondants ayant des enfants les font instruire en français ou dans les deux langues.

Dans la présente section, nous parlerons d'abord de la Commission sur l'avenir politique et constitutionnel du Québec. Nous passerons ensuite à l'évaluation des programmes de langue française de la province et nous examinerons un rapport spécial sur une question délicate, celle de l'immigration. Nous nous pencherons aussi sur les écoles primaires et secondaires de la minorité et sur l'enseignement postsecondaire, avant de nous tourner vers le secteur municipal et les services sociaux et de santé. Puis, nous analyserons les tendances de la participation anglophone au sein des gouvernements fédéral et québécois et traiterons des affaires culturelles. Enfin, nous passerons en revue les activités des associations minoritaires.

La Commission constitutionnelle

Le 4 septembre 1990, l'Assemblée nationale adoptait à l'unanimité la loi 90 qui créait une commission chargée d'examiner l'avenir politique et constitutionnel du Québec. Le préambule de la loi affirmait que « les Québécoises et les Québécois sont libres d'assumer leur propre destin, de déterminer leur statut politique et d'assurer leur développement économique, social et culturel », et qu'il est « nécessaire de redéfinir le statut politique et constitutionnel du Québec ». On y disait aussi que le Québec devait poursuivre cet objectif « dans un esprit de justice et d'ouverture, dans le respect des droits et des institutions de la communauté québécoise d'expression anglaise ». La Commission se vit confier le mandat d'analyser la situation politique et constitutionnelle du Québec et de formuler des recommandations à ce sujet; on lui demandait d'effectuer toutes les recherches nécessaires, de tenir des audiences publiques et de faire rapport à l'Assemblée nationale au plus tard le 28 mars 1991. Deux coprésidents furent nommés : M. Michel Bélanger, ancien président de la Banque nationale, et M. Jean Campeau, président de la société Domtar et ancien président du Conseil d'administration et directeur général de la Caisse de dépôt et de placement du Québec. Les trente-cinq autres membres de la Commission provenaient des partis politiques représentés à l'Assemblée nationale et à la Chambre des communes, des municipalités, des entreprises et des syndicats, ainsi que des secteurs de la coopération, de l'éducation et de la culture. La Commission comprend trois membres anglophones

ayant droit de vote : Mme Cheryl Campbell-Steer d'une maison de comptables, M. Russell Williams du Parti libéral du Québec et M. Richard Holden du Parti Égalité. Monsieur Robert Libman, chef du Parti Égalité, peut assister aux réunions de la Commission mais n'a pas le droit de voter.

Les audiences de la Commission, qui ont débuté le 6 novembre à Québec, doivent prendre fin dans les premières semaines de 1991. Dans son allocution inaugurale devant la Commission, le premier ministre Robert Bourassa a déclaré que l'échec de l'Accord du lac Meech obligeait le Québec à examiner son avenir politique et constitutionnel, et que les travaux de la Commission seraient cruciaux et d'une importance historique pour le Québec. Monsieur Bourassa a insisté sur la nécessité d'une structure constitutionnelle solide pour assurer la santé de l'économie, dont dépendent à leur tour les progrès sociaux et culturels. Il a également mis l'accent sur l'adhésion du Québec aux processus démocratiques et sur son engagement à respecter les droits et les libertés de la personne. Le premier ministre a affirmé que l'on n'oublierait pas, dans le débat sur l'avenir politique et constitutionnel du Québec, le rôle important de la communauté anglophone dans la société québécoise.

Afin d'étoffer le mémoire qu'elle allait présenter à la Commission, Alliance Québec a entrepris à l'automne 1990, auprès de la communauté anglophone, une consultation d'une ampleur sans précédent. Deux questions fondamentales ont été posées aux membres de la communauté : « Qu'est-ce que la communauté d'expression anglaise considère comme essentiel pour se garantir un avenir sûr au sein de la société québécoise ? » et « Par quels moyens ces besoins peuvent-ils être satisfaits ? » On a organisé dans toutes les régions de la province pas moins de 241 tables rondes, auxquelles ont participé plus de 2 500 personnes. Le mémoire présenté par les représentants d'Alliance Québec à la Commission le 18 décembre contenait un résumé des conclusions de ces tables rondes.

Dans son mémoire, Alliance Québec a cherché à livrer à la Commission ce premier message : les Québécois d'expression anglaise sont déterminés à « participer activement et en profondeur au débat sur l'avenir du Canada », mais ils sont tout de même inquiets parce qu'ils ne se sentent pas entièrement acceptés par la communauté majoritaire. Les représentants d'Alliance Québec s'inquiètent sérieusement de la protection des institutions anglophones dans les domaines de l'éducation, de la culture, de la santé et des services sociaux. Tout en affirmant qu'il faut préserver les institutions anglophones, le mémoire soutient que cette préoccupation légitime de la communauté minoritaire ne compromet en rien le bien-être de la majorité francophone. Le vieillissement et le déclin de la population anglophone suscitent l'appréhension. Le mémoire fait également état de craintes touchant la protection des droits et des libertés de la minorité, et déplore plus particulièrement l'interdiction de l'anglais dans l'affichage extérieur. Il s'en prend aux clauses « nonobstant » que l'on retrouve dans les chartes des droits et libertés du Québec et du Canada en soutenant que « pour que les droits de la

Charte signifient quelque chose, ils doivent être protégés contre les motifs politiques et les caprices du climat social ».

Le mémoire affirme également que les communautés majoritaire et minoritaire de la province ne se trouvent pas « dans une situation où ce qui constitue un gain pour l'un entraîne une perte correspondante pour l'autre ». Il indique plutôt que les deux parties peuvent être gagnantes, à condition de coopérer et de maintenir un engagement réciproque. Le mémoire insiste aussi sur les efforts déployés par la communauté anglophone pour participer davantage à la société francophone du Québec; 49 p. 100 des Québécois d'expression anglaise « croient qu'ils ont un rôle *personnel* à jouer dans la promotion du français au Québec ».

Enfin, le mémoire met en garde contre toute rupture précoce des liens entre le Québec et le reste du Canada, en reconnaissant toutefois la nécessité d'une réforme de la présente structure fédérale. Dans une section intitulée « Vers le renouveau », sans formuler de recommandations précises pour ce qui est de ces nouvelles structures constitutionnelles, on énonce trois principes qui devraient en régir la création : présence de mécanismes permettant d'élaborer des programmes qui assureront la santé de la macro-économie; garanties des droits des minorités; promotion de la langue et de la culture françaises au sein d'une société pluraliste.

Plusieurs autres associations de la minorité anglophone ont également consulté leurs membres et présenté un mémoire à la Commission. De façon générale, ces mémoires ont fait part de préoccupations semblables à celles évoquées par Alliance Québec, en y ajoutant souvent une dimension régionale. Le mémoire présenté par la Quebec Farmers' Association offrait un intérêt particulier. On y soulignait l'apport des programmes agricoles fédéraux à la communauté des producteurs agricoles de langue anglaise et la nécessité de maintenir les programmes d'appui dans une période de mutation des structures constitutionnelles.

La Charte de la langue française

La participation accrue de la communauté anglophone aux activités de la majorité a eu un effet favorable sur les programmes gouvernementaux visant la promotion de la langue française au Québec. Même si le nombre de plaintes déposées à la Commission de protection de la langue française a augmenté de 26 p. 100 cette année, il semble que les entreprises tant anglophones que francophones aient mieux accueilli les exigences de la *Charte de la langue française* en matière d'affichage et de programmes de francisation en milieu de travail. Toutefois, la loi 178 interdisant l'anglais dans l'affichage commercial à l'extérieur reste très mal vue au sein de la communauté anglophone; nombreux sont ceux qui en éprouvent encore du ressentiment. Toutefois, si les anglophones de l'extérieur du Québec sont hostiles à cette loi, les anglophones du Québec savent qu'elle autorise pour la première fois depuis 1977 l'usage de l'anglais dans l'affichage commercial à l'intérieur des établissements. Monsieur Claude Ryan,

ministre responsable de l'application de la *Charte*, a signalé cette année que de façon générale les commerçants se conformaient davantage à la loi. À titre d'exemple, il a fait remarquer que dans un quartier de l'ouest de Montréal, les règlements en matière d'affichage étaient respectés dans 82 p. 100 des cas, comparativement à 64 p. 100 en 1989. De même, M^me^ Ludmila de Fougerolles, présidente de la Commission de protection de la langue française, a noté qu'il y avait eu progrès dans les rapports entre la Commission et le monde des affaires. En 1989-1990, la Commission n'a envoyé que 65 avertissements liés à des infractions à la loi sur l'affichage, tandis qu'il y en avait eu 382 l'année précédente, et elle n'a entamé des poursuites judiciaires que dans 12 magasins par rapport à 104 en 1989. Madame de Fougerolles a indiqué que ces progrès étaient en partie attribuables à l'amélioration des méthodes de la Commission elle-même, qui entreprenait notamment des démarches plus directes et plus personnelles auprès d'éventuels contrevenants, mais elle a également constaté « une sensibilisation plus grande des contrevenants aux impératifs et aux objectifs de la *Charte* ».

Parallèlement, il y a aussi progrès en matière de francisation en milieu de travail. Au début de 1990, M. Claude Ryan a annoncé que l'on avait remis quelque 3 000 certificats de francisation à des entreprises attestant que le français y était la langue générale de travail et que 71 p. 100 des entreprises comptant plus de 50 employés avaient obtenu leur certificat. Près de 800 autres compagnies, soit 18 p. 100 de plus, avaient confié à un comité de francisation la tâche d'élaborer un programme qui leur permettrait d'obtenir leur certificat. Au sein des entreprises touchées par de tels programmes, on avait mis en œuvre des changements importants au chapitre des communications, de l'affichage, des méthodes de gestion et des relations avec les employés pour faire du français la principale langue de travail. Après avoir étudié le sujet, M. Guy Pinard de *La Presse* faisait remarquer que « la francisation des entreprises a été longue à réaliser [...] mais vu la complexité du processus, vu les changements survenus dans le comportement des entreprises et des travailleurs, le facteur temps a perdu de son importance devant la profondeur indéniable des changements ». Monsieur Pinard a constaté que le programme de francisation affichait toujours certaines faiblesses, notamment dans les secteurs ayant recours à la technologie de pointe ou à la main-d'œuvre immigrante; la situation dans ces deux secteurs a d'ailleurs été mise en relief dans une étude menée en 1989 par des représentants de l'industrie, des syndicats et du gouvernement (le Groupe tripartite). Même là, cependant, il y a eu des progrès. Monsieur Pinard a signalé que le rendement d'IBM Canada était l'un des meilleurs quant à la mise en œuvre du programme de francisation et que, dans certains cas, les nouvelles technologies de l'information favorisaient la promotion du français en milieu de travail. Il a également noté que les entreprises francophones embauchaient un nombre croissant de travailleurs immigrés. Par contre, il peut y avoir des faiblesses du côté des entreprises comptant moins de 50 employés et qui ne sont pas obligées d'adopter un programme de francisation. Monsieur Pinard a indiqué que l'on pourrait favoriser la francisation des petites entreprises par des initiatives sectorielles.

Si de nombreux membres de la communauté anglophone ont accepté les programmes de francisation, d'autres ont continué de manifester leur opposition, notamment en ce qui a trait à la loi sur l'affichage. Une entreprise de l'ouest du Québec, qui avait refusé d'obéir à la loi, se vit imposer une amende de 30 dollars par un tribunal de Hull. Il a été question au cours de l'année de manifestations contre la loi 178, mais elles ne se sont guère concrétisées. M. Robert Libman a dénoncé la loi, qu'il a comparée à la résolution en faveur de l'unilinguisme anglais adoptée par la municipalité de Sault-Sainte-Marie en janvier 1990, et il a lancé un appel à la désobéissance civile. Cependant, les Anglo-Québécois n'ont apparemment pas répondu à l'appel en nombre suffisant et M. Libman a cherché par la suite à modifier ses propos après avoir été désavoué par Alliance Québec, la *Gazette* de Montréal et de nombreux Québécois d'expression française et anglaise.

La question de l'affichage routier au Québec a été étudiée de près. Par le passé, des porte-parole de la minorité se sont alarmés des dangers courus par les automobilistes anglophones qui risquent de mal comprendre des panneaux unilingues français importants pour leur sécurité. Monsieur Claude Ryan a réagi en demandant à un groupe de travail, formé de fonctionnaires de plusieurs ministères, d'étudier la question. Ce groupe de travail, qui a présenté son rapport en juillet, a conclu que la langue des panneaux routiers ne semblait pas avoir causé d'accidents; toutefois, il a reconnu que l'affichage unilingue pouvait, dans certains cas, être source de problèmes. Il a proposé que les panneaux du genre « Attention à nos enfants » soient considérés comme des panneaux municipaux; ils pourraient alors être bilingues dans les municipalités ayant le statut d'institution bilingue. En revanche, il n'a pas jugé nécessaire d'apporter des modifications fondamentales à la *Charte de la langue française* ou à la politique linguistique du gouvernement en matière d'affichage routier. Il a cependant recommandé que l'on emploie davantage de pictogrammes sur les panneaux, et le gouvernement a accepté cette recommandation.

Le 19 décembre, la Société de transport de la Communauté urbaine de Montréal annonçait qu'elle allait éliminer les annonces bilingues des Forces canadiennes affichées dans son réseau de transport. Le président de la Société, M. Robert Perreault, s'est dit d'avis que ces annonces, représentant un revenu annuel de 800 000 dollars, risquaient de contrevenir à la loi québécoise exigeant que la publicité commerciale se fasse en français. Certains membres de la communauté anglophone ont protesté contre cette décision, et avant la fin de l'année, Alliance Québec avait déposé une plainte auprès du Commissaire. Mais, même lorsque des représentants du gouvernement québécois eurent exprimé l'opinion que les annonces des Forces canadiennes étaient sujettes non pas aux lois linguistiques de la province mais bien à celles du gouvernement fédéral, il ne paraissait pas certain que la Société fût disposée à revoir sa décision. (Voir Partie I, chapitre 3.)

Immigration

La communauté anglophone, qui a vu beaucoup de ses membres quitter la province — surtout dans les années suivant l'élection du Parti québécois en 1976 — semblait

manifester, au sujet de l'immigration au Québec, un point de vue différent de celui de la majorité. Si les anglophones paraissaient en effet disposés à croire que les immigrants optaient, dans une proportion équitable, pour le français et l'anglais, les francophones étaient inquiets à ce chapitre et réclamèrent des mesures afin d'assurer la protection de l'équilibre linguistique, jugé précaire, de la province. Ils ont remarqué notamment que 5 p. 100 des Québécois parlent aujourd'hui au foyer une langue autre que le français ou l'anglais, et que le nombre de personnes qui parlent l'anglais au foyer est supérieur de 1,9 p. 100 au nombre de ceux qui ont l'anglais comme langue maternelle. On a réclamé des mesures accordant la préférence aux immigrants francophones et assurant un accès élargi aux cours de français langue seconde; ces actions prennent une importance particulière en raison d'un taux de natalité extrêmement faible (malgré une légère augmentation au cours des deux dernières années), et de la forte attraction exercée par la langue anglaise en Amérique du Nord. Après la parution, en juillet, d'un rapport du ministère québécois des Communautés culturelles et de l'Immigration, la *Gazette* notait dans un éditorial que la majorité (57,5 p. 100) des immigrants arrivés au Québec entre 1976 et 1986 ont adopté le français, et que 70 p. 100 des immigrants établis dans la province parlent le français. Comme l'a souligné le quotidien, cet état de choses fait nettement contraste avec la situation qui prévalait depuis des décennies, alors que la plupart des immigrants se dirigeaient vers le secteur anglophone. Cependant, les observateurs francophones, dont M. Paul Cauchon du *Devoir*, ont présenté une analyse plus sombre du même rapport. Ils ont noté que la proportion des immigrants les plus récemment arrivés dans la province qui choisissaient le français plutôt que l'anglais était en baisse, le français obtenant à peine la moitié des préférences (54 p. 100). Ils ont constaté également que les immigrants manifestaient une forte tendance à préserver leur langue d'origine et que 19 p. 100 seulement des nouveaux arrivés disaient avoir le français comme langue maternelle.

La ministre québécoise des Communautés culturelles et de l'Immigration, M^me^ Monique Gagnon-Tremblay, a admis en septembre que la francisation des immigrants se faisait trop lentement. Elle a reconnu le besoin de nouvelles mesures assurant l'intégration des immigrants et la promotion de la langue française, et a fait remarquer que les ressources octroyées par le gouvernement fédéral étaient limitées par les compressions budgétaires. La question est devenue critique au mois d'octobre lorsque la ministre fédérale de l'Emploi et de l'Immigration, M^me^ Barbara McDougall, a annoncé des plans visant l'augmentation du nombre des immigrants; les statistiques indiquaient alors que seulement 29 p. 100 des 25 700 immigrants venus au Québec en 1988 possédaient le français à leur arrivée, et 9 p. 100 seulement avaient le français comme langue maternelle. Une solution partielle a été apportée en novembre lorsque le gouvernement fédéral a annoncé la création d'un fonds d'urgence de 1,4 million de dollars destiné à assurer l'enseignement du français aux immigrants. Par ailleurs, les tendances globales des dernières années restent encourageantes. Le démographe Réjean Lachapelle faisait observer, dans le numéro 32 de

Langue et Société, que la proportion de personnes ayant le français comme langue maternelle au Québec s'établissait à 83 p. 100 lors du recensement de 1986 et que, même dans les régions à population mixte comme Montréal, la proportion de personnes capables de parler le français était en hausse.

Vers la fin de l'année, le gouvernement du Québec a fait paraître un document sur l'immigration, intitulé *Énoncé de politique en matière d'immigration et d'intégration*, dans lequel il se donnait comme priorité de favoriser l'immigration de francophones au Québec. Il proposait notamment d'accroître les ressources accordées aux bureaux de l'immigration québécoise qui desservent les pays francophones, de mettre au point un processus de sélection accéléré en accordant davantage de points aux candidats qui connaissent le français, de mieux renseigner les immigrants non francophones sur le caractère essentiellement français du Québec et d'accroître les possibilités d'apprendre le français. Enfin, à la fin de l'année, les gouvernements fédéral et québécois ont annoncé la signature d'une nouvelle entente sur l'immigration, qui augmente les pouvoirs du Québec en matière de choix et d'intégration des immigrants, et lui fournit des fonds supplémentaires pour la formation professionnelle ainsi que l'enseignement du français, tout en maintenant les normes nationales dans le domaine de l'immigration.

L'éducation

Cette année encore, le système d'éducation du Québec, notamment dans la région de Montréal, a évolué à un rythme aussi rapide que perturbant. Si le nombre d'écoliers semble s'être stabilisé à environ 1,1 million, la présence d'enfants de langue et d'origine ethnique variées a continué de modifier en profondeur la composition sociale des écoles. La proportion d'élèves a augmenté dans le secteur francophone, atteignant 90 p. 100 de l'effectif scolaire dans toute la province, tandis qu'elle a diminué à nouveau dans le secteur anglophone. En vertu de la *Charte de la langue française*, les enfants de parents immigrés sont tenus de fréquenter des écoles françaises. La *Charte canadienne des droits et libertés* reconnaît d'ailleurs au Québec le pouvoir de légiférer dans ce domaine. De plus, un nombre croissant d'Anglo-Québécois préfèrent envoyer leurs enfants à l'école française pour qu'ils y apprennent le français. Parallèlement, un grand nombre de parents dont les enfants fréquentent l'école anglaise réclament une amélioration des programmes de français langue seconde. (Voir Partie V, chapitre 1.)

En 1990, le secteur français de la Commission des écoles protestantes du grand Montréal (CEPGM), qui connaît une réelle expansion, comptait 11 660 élèves, soit 43 p. 100 du total des inscriptions. Ce chiffre correspond à une augmentation de 14 p. 100 par rapport aux deux dernières années. Durant la même période, les inscriptions dans le secteur anglais diminuaient de 7 p. 100. Pas moins de 26 des 67 écoles de la CEPGM sont de langue française et, pour la première fois, quatre francophones ont été élus en novembre dernier parmi les 21 commissaires.

Comme on pouvait s'y attendre, l'événement a fait craindre à plusieurs que les francophones forment bientôt une majorité au sein de la CEPGM, ce qui, comme le prévoit le paragraphe 113(*f*) de la *Charte de la langue française*, lui ferait perdre sa désignation bilingue. Le secteur français de la Commission scolaire Lakeshore s'est également étendu en 1990, avec une hausse de 37 p. 100 des inscriptions francophones. À l'inverse, les inscriptions dans les écoles anglaises de la plupart des commissions scolaires ont diminué ou se sont stabilisées. Ainsi, le secteur anglais de la plus importante d'entre elles, la Commission des écoles catholiques de Montréal (CECM), ne représentait que 13 p. de l'effectif total.

Pour faire face à la situation, l'Assemblée nationale adoptait en 1988 une nouvelle *Loi sur l'instruction publique* destinée à rationaliser le réseau scolaire. La Loi se propose notamment de remplacer l'actuel système confessionnel par des commissions scolaires linguistiques. Devant la réaction négative d'une partie des deux communautés et de certaines commissions scolaires, le gouvernement s'en est remis à la Cour d'appel du Québec pour juger de la constitutionnalité de la Loi, en particulier au regard de l'article 93 de la *Loi constitutionnelle de 1867* qui accorde des garanties spéciales aux écoles minoritaires et confessionnelles du Québec et d'ailleurs. La Cour a rendu sa décision en septembre, stipulant que la Loi était pour l'essentiel conforme à la Constitution, et que l'Assemblée nationale était habilitée à modifier le système des commissions scolaires. Cependant, elle spécifiait que certaines de ses dispositions n'assurent pas une protection suffisante des droits des minorités, spécialement durant la transition des commissions confessionnelles aux commissions linguistiques envisagées. (Voir Partie I, chapitre 3.)

Les commissions scolaires qui s'opposent à la Loi ont vivement réagi à la décision de la Cour d'appel. Monsieur John Simms, président de l'Association des commissions scolaires protestantes du Québec, a affirmé que cette décision revenait à considérer « le gouvernement [du Québec] comme souverain et apte à faire ce qu'il lui plaît » [notre traduction]. Il a annoncé que l'Association interjetterait appel à la Cour suprême du Canada. M. Michel Pallascio, alors président de la CECM, s'est également dit déçu de la décision, tout en déclarant que la CECM ne s'adresserait pas à la Cour suprême avant les élections scolaires de novembre. Le parti de M. Pallascio, le Regroupement scolaire confessionnel, y a remporté la victoire de justesse, mais celui-ci a perdu son siège. À la fin de l'année, le sort fait à la décision de la CECM d'interjeter appel était toujours incertain, compte tenu du ferme appui qu'accorde à la nouvelle Loi le parti de l'opposition, le Mouvement pour une école moderne et ouverte.

Le ministre de l'Éducation de l'époque, M. Claude Ryan, a qualifié la décision de la Cour d'appel de « bouffée d'air frais ». Grâce à cette décision, a-t-il précisé, le Québec pourra se doter d'un régime scolaire qui convient à une société moderne, sans pour autant enfreindre une longue tradition de respect des droits religieux. Il précisait toutefois que l'application de la Loi serait différée

jusqu'à l'épuisement de tous les recours judiciaires, y compris à la Cour suprême. Commentant la décision de cette dernière dans l'affaire *Mahé et al.* relative aux droits scolaires des minorités, le ministre s'est engagé à confier aux anglophones un rôle accru dans la préparation des programmes pédagogiques du ministère de l'Éducation.

La chute des inscriptions dans le secteur anglais a soulevé de graves problèmes pour les enseignants, les parents et les élèves anglophones de toute la province. Selon un rapport produit cette année par le ministère de l'Éducation, le réseau scolaire anglophone se compose de plus en plus de petites écoles, tendance qui va d'ailleurs en s'amplifiant. En effet, quelque 48 p. 100 de ses écoles élémentaires et 30 p. 100 des écoles secondaires comptent moins de 200 élèves, pourcentage qui atteint 83 p. 100 dans le cas des écoles à régimes combinant les deux niveaux. Ces écoles doivent relever d'importants défis en raison de l'isolement de leur personnel et de leurs élèves, ainsi que des possibilités restreintes en matière d'équipements spécialisés et de formation professionnelle. L'enseignement du français langue seconde constitue également une source d'inquiétude, à la fois pour les parents et le gouvernement du Québec. Le Comité provincial d'éducation d'Alliance Québec, pour qui le problème représente une priorité, a tenu un séminaire sur le sujet en mars 1990.

Le secteur anglais a dû faire face au cours des dernières années à la fermeture de nombreuses écoles. Par exemple, cette année, l'école General Vanier Elementary à Montréal a fermé ses portes; cette menace pèse aussi sur d'autres établissements dont les inscriptions sont en baisse, de North Hatley en Estrie à Quyon dans l'ouest du Québec. Par ailleurs, l'épineuse question de la francisation de certaines écoles anglaises a ajouté au malaise. La rumeur voulait, en effet, que plusieurs établissements de la Commission scolaire Lakeshore soient convertis en écoles francophones. Les parents anglophones se sont naturellement battus pour maintenir leurs écoles menacées de fermeture dont l'une, l'école Roslyn à Westmount, dessert la population anglophone depuis 1907. De leur côté, les parents francophones protestants de la CEPGM se sont plaints du surpeuplement des écoles, un grief tout aussi légitime. L'école Westminster dans l'ouest de Montréal, qui peut accueillir officiellement 500 élèves, comptait par exemple plus de 700 élèves francophones cette année.

Quelques commissions scolaires du secteur anglais ont cherché des solutions novatrices au problème de l'érosion de la clientèle, comme l'enseignement aux adultes et la formation professionnelle. L'école Wakeham à Gaspé a été transformée en un centre d'éducation aux adultes à l'intention des anglophones du district, tandis que la Commission scolaire Laurentian a fait l'essai de projets coopératifs enseignement-travail destinés à la fois aux étudiants réguliers, aux décrocheurs éventuels et aux étudiants en voie d'intégrer le marché du travail. On le voit, le secteur anglais n'a pas perdu tous ses moyens, comme en témoigne le projet de la Commission scolaire Baldwin-Cartier de construire une nouvelle école anglaise à Pierrefonds, district scolaire qui compte de plus en plus d'anglophones.

Si les écoles anglaises ont dû subir une baisse de clientèle, les écoles françaises ont connu des problèmes d'un autre ordre, notamment dans la région de Montréal. Au cours de l'année, divers incidents se sont produits à l'école Saint-Maxime de Laval, fréquentée en bonne partie par des étudiants dont la langue maternelle n'est pas le français. Des querelles ont éclaté entre étudiants francophones et allophones au sujet de l'usage de langues autres que le français et la question a été tranchée comme suit : le français est la langue d'enseignement, mais à l'extérieur des salles de cours les élèves sont libres de parler la langue de leur choix.

Pour sa part, la CECM, où les francophones sont en minorité dans plusieurs écoles françaises, a recouru à des mesures nettement plus énergiques. Elle a créé un groupe de travail qui a formulé 36 recommandations visant à promouvoir la langue française, dont l'usage obligatoire du français dans toutes les activités scolaires, y compris les récréations et l'heure du déjeuner. L'approbation préliminaire du rapport par la CECM a soulevé un tollé non seulement chez les allophones, mais également au sein des communautés francophones et anglophones. La CECM a donc choisi de tenir des audiences publiques, au cours desquelles la Commission des droits de la personne du Québec a fait valoir qu'imposer l'usage du français durant les périodes de loisirs enfreignait la *Charte des droits et libertés de la personne* du Québec. La CECM a finalement retiré les dispositions concernant l'usage obligatoire du français à l'extérieur des salles de cours, décision qui, comparativement au rapport lui-même, a fait moins parler d'elle. Vers la fin de l'année, M. Michel Pagé, le nouveau ministre de l'Éducation, s'est engagé à examiner le statut du français dans les écoles de la région montréalaise comptant un grand nombre d'enfants de parents immigrés.

Le Québec a annoncé en 1990 la mise en œuvre d'un important projet en vertu d'une entente fédérale-provinciale pour la rénovation du Collège Champlain et du campus Lennoxville de l'Université Bishop's. Le Collège Heritage, à Hull, a également bénéficié d'une subvention. Par contre, la situation financière des trois universités de langue anglaise demeure précaire en raison de sérieux déficits budgétaires, celui de McGill se chiffrant annuellement à quelque 6,5 millions de dollars.

Par ailleurs, la politique du libre accès aux sept collèges anglophones de la province a continué d'être vivement débattue. Certains observateurs dont M^me^ Lorraine Pagé, présidente de la Centrale de l'enseignement du Québec, se sont dit consternés par le nombre d'élèves non francophones inscrits dans des collèges anglais, et ont déploré l'existence d'ententes fédérales-provinciales favorisant cette pratique. En fait, selon un récent rapport préparé pour le ministère de l'Enseignement supérieur, 76 p. 100 des étudiants allophones du niveau collégial inscrits en 1986 fréquentaient toujours des établissements de langue anglaise. Toutefois, le rapport conclut que « les répercussions de la loi 101 commencent maintenant à se faire sentir dans les écoles », précisant que les étudiants

les plus jeunes ont tendance à se diriger vers le secteur français. Un plus grand nombre d'allophones optent pour des collèges français et, en général, les diplômés des écoles secondaires françaises poursuivent leurs études dans cette langue. En 1986, parmi un échantillon de 757 étudiants allophones qui terminaient leurs études secondaires en français, 81 p. 100 s'orientaient vers des collèges français, tout comme 52 p. 100 des 404 anglophones dans la même situation; chez les diplômés francophones, 96 p. 100 se sont inscrits à des établissements de langue française.

En revanche, selon M. Jean-Pierre Proulx du quotidien *Le Devoir*, la situation est plus troublante en ce qui a trait à la capacité des institutions postsecondaires anglophones du Québec de former des étudiants dont la compétence en français est suffisante pour travailler dans la province. Des données recueillies pour le compte du Conseil de la langue française montrent que pas moins de 30 000 anglophones âgés de quinze à vingt-neuf ans ont quitté la province entre 1981 et 1986. Il s'agit là d'un véritable exode de cerveaux, plus de la moitié d'entre eux ayant fait des études postsecondaires. Monsieur Proulx a conclu qu'une majorité de ces jeunes ne connaissaient pas suffisamment le français pour intégrer le marché du travail québécois, soulignant que même en 1989 seulement 18 p. 100 des étudiants des collèges anglais étaient inscrits à des cours de français langue seconde.

La promotion du français dans les secteurs de la recherche scientifique et de la haute technologie a continué de susciter un vif intérêt. Le 24 septembre 1990, le gouvernement fédéral et celui du Québec annonçaient la mise en œuvre d'un projet conjoint destiné à venir en aide à l'industrie du traitement de l'information de la province. Le ministre fédéral des Communications, M. Marcel Masse, a mis l'accent sur le rôle déterminant que joue cette industrie : « Plus d'un Canadien sur deux travaille aujourd'hui dans le domaine des communications [...] Il ne faut donc pas ménager nos efforts pour développer des produits et des services informatiques ici au Canada, et en français de surcroît, si l'on souhaite affirmer notre identité. » Dans une allocution prononcée à l'Université McGill en octobre dernier, le Commissaire a également souligné l'importance de promouvoir le français dans les domaines scientifique et technique. À cet égard, il a fait valoir les contributions du gouvernement fédéral depuis l'adoption de la *Loi sur les langues officielles* de 1969 et, plus particulièrement, depuis la promulgation de la Loi de 1988. Entre-temps, une étude de l'organisme Science Watch de Philadelphie, qui a examiné les articles de chercheurs canadiens parus dans divers périodiques scientifiques, a révélé qu'au cours des années 1980, les chercheurs de McGill ont continué de contribuer de façon importante à ce domaine, même si leur contribution a été moindre qu'au cours de la décennie précédente. L'apport des chercheurs des universités de Sherbrooke, de Montréal et de Laval s'était cependant accru durant cette même période.

Les municipalités

Les Québécois, tant francophones qu'anglophones, ont réagi avec indignation et colère aux résolutions d'unilinguisme anglais adoptées au début de l'année par

les municipalités de Sault-Sainte-Marie et de Thunder Bay, ainsi que par d'autres conseils municipaux de l'Ontario. L'incident de Brockville (survenu en septembre 1989 mais qui a surtout fait la manchette au début de 1990), au cours duquel des manifestants anglophones ont foulé aux pieds et brûlé un drapeau du Québec, est venu jeter de l'huile sur le feu. Une petite municipalité du Québec, Parent, a riposté en se déclarant unilingue française. Certaines autres, dont la ville d'Outremont, ont préféré prêcher la tolérance en réitérant leur engagement à servir leur minorité anglophone dans sa langue. D'autres encore, notamment celles à forte population anglophone, ont adopté des résolutions condamnant l'initiative de Sault-Sainte-Marie. La municipalité de Kirkland dans le West Island a qualifié la résolution de Sault-Sainte-Marie de « régressive, discriminatoire et d'atteinte à l'harmonie culturelle et linguistique » [notre traduction]. Pour sa part, la ville de Lachute n'a pas hésité à parler de « provocation ». Certaines municipalités du Québec ont prié les conseils de l'Ontario d'annuler leurs résolutions. Dans un remarquable geste de bonne volonté, les municipalités de Pierrefonds (dans le West Island) et de Richmond, en Colombie-Britannique, ont résolu de donner suite à un programme de jumelage et d'adopter des résolutions identiques contre les propositions d'unilinguisme anglais.

Un cas pour le moins étrange mérite d'être souligné. La fusion des municipalités de Rouyn et de Noranda a été contestée en raison de l'unilinguisme français de certains documents afférents. (Voir Partie I, chapitre 3.) Ailleurs, la ville de Montréal-Ouest, qui est majoritairement anglophone, a adopté une résolution demandant au gouvernement du Québec de respecter son statut bilingue et de l'exempter des dispositions touchant l'affichage unilingue en français. Par ailleurs, la ville de Westmount, majoritairement anglophone également, a annoncé son intention de souscrire à la demande du Conseil de la langue française et d'accorder la priorité au français dans l'affichage et les communications.

En ce qui concerne l'affaire du statut de la ville de Rosemère, le juge Paul Reeves de la Cour supérieure du Québec a rendu sa décision au cours de l'année. Rappelons qu'en vertu du paragraphe 113(*f*) de la *Charte de la langue française*, l'Office de la langue française avait retiré à la ville sa désignation bilingue parce que sa population non francophone était tombée sous le seuil des 50 p. 100. Des citoyens ont réagi en portant la cause devant les tribunaux. Le juge Reeves a déclaré que la *Charte* accorde effectivement à l'Office le pouvoir de retirer le statut bilingue d'une institution, mais que dans ce cas, il avait manqué à ses obligations en omettant de consulter la population et en appuyant sa décision sur des critères discutables. Par conséquent, la Cour a rétabli la désignation bilingue de la ville de Rosemère (voir Partie I, chapitre 3.) Le nouveau maire et les six conseillers élus en novembre se sont engagés à veiller à ce que la ville conserve son statut retrouvé, tandis que le gouvernement du Québec a annoncé qu'il n'en appellerait pas du jugement. Plusieurs autres municipalités, dont la population non francophone risque bientôt de diminuer en deçà de 50 p. 100, se sont réjouies de la décision. Avant que l'année ne prenne fin, le président de l'Office de la

langue française, M. Jean-Claude Rondeau, a fait savoir que l'organisme modifierait les procédures et les critères d'application du paragraphe 113(*f*) de la *Charte* à la lumière de la décision de la Cour supérieure. Quelque 240 municipalités et institutions bénéficient de la désignation bilingue en vertu de ce paragraphe, et l'affaire a eu des conséquences sur les organismes sociaux et de santé qui, dans plusieurs cas, connaissent une augmentation de leur effectif et de leur clientèle francophones. Monsieur Russell Williams, député de la circonscription de Nelligan et adjoint parlementaire au ministre de la Santé et des Services sociaux, s'est dit inquiet du statut de l'Hôpital Royal Victoria, de l'Hôpital général de Montréal et de l'Hôpital de Montréal pour enfants, et s'est engagé à prendre les mesures qui s'imposent pour qu'ils demeurent bilingues.

Services sociaux et de santé

La communauté anglophone du Québec a accès à un réseau complet d'institutions de santé et de services sociaux comptant 23 hôpitaux et 61 autres établissements tenus d'offrir leurs services en anglais. Dans un grand nombre de cas, il s'agit d'institutions de longue tradition fondées par des Anglo-Québécois. Néanmoins, ceux-ci ont manifesté leurs craintes lors de la publication, l'année dernière, d'un livre blanc intitulé *Orientations pour améliorer la santé et le bien-être au Québec*, et du dépôt d'un avant-projet de loi sur la réforme des institutions de santé et de services sociaux. L'un des objectifs de la réforme se proposait de décentraliser les services et de créer des conseils d'administration régionaux pour les institutions autres que les hôpitaux universitaires. Ces conseils auraient remplacé les conseils d'administration actuels des établissements.

Même si l'avant-projet de loi comprenait un article permettant de modifier la configuration de certaines régions à « caractères linguistiques et socioculturels » distincts, la communauté anglophone s'est opposée aux propositions. Ses porte-parole ont affirmé, d'une part, que le principe des régions ne convient pas à une société hétérogène où la clientèle linguistique ou ethnique de plusieurs organismes de santé et de services sociaux déborde les limites d'un district donné et, d'autre part, que l'abolition des conseils d'administration actuels romprait les liens entre l'établissement et la communauté qu'il dessert. De plus, on a fait valoir que les anglophones siégeraient en minorité à la plupart des conseils régionaux proposés et, partant, qu'ils perdraient le contrôle de leurs institutions. Alliance Québec a présenté un mémoire à un comité de l'Assemblée nationale portant sur le sujet et a affirmé que « si elle est décrétée, la restructuration des conseils d'administration privera nos institutions de santé et de services sociaux, piliers de notre communauté, de l'appui historique qu'elles reçoivent de leur clientèle. Sans cet appui, l'avenir de certaines de nos institutions est remis en cause » [notre traduction].

En décembre dernier, la version du *projet de loi nº 120* sur les services sociaux et de santé que déposait à l'Assemblée nationale le ministre Marc-Yvan Côté avait éliminé les articles de l'avant-projet abolissant les conseils d'administration actuels. Ce projet de loi comporte des dispositions garantissant les droits des

usagers anglophones ainsi que des mesures de protection des institutions de la communauté anglophone. L'article 15 stipule que « toute personne d'expression anglaise a le droit de recevoir en langue anglaise des services de santé et des services sociaux » et l'article 268 demande que chaque conseil régional prépare un « programme d'accès à des services de santé et des services sociaux en langue anglaise pour les personnes d'expression anglaise ». Ce projet de loi comporte cependant des dispositions sur la prestation de services territoriaux qui lèsent les institutions anglophones dont la clientèle est dispersée dans plusieurs régions administratives. Ainsi, croyait-on, le Centre des services sociaux Ville-Marie risque de perdre la moitié de son personnel au profit de centres locaux de services communautaires et d'autres institutions régionales. Alliance Québec et d'autres groupes ont continué depuis lors de manifester leur mécontentement.

L'application de la loi 142 garantissant des services sociaux et de santé en anglais s'est poursuivie sans problème au cours de l'année. Des plans d'accès ont été élaborés et mis en place dans chacune des 11 régions administratives de la province, et quelque 200 institutions ont été sommées d'offrir des services en anglais. De plus, des coordonnateurs de ces services ont été nommés dans la plupart des régions en vertu d'une entente fédérale-provinciale. Des crédits supplémentaires ont été alloués à la création de 30 postes bilingues dans des régions à l'extérieur de Montréal ayant des besoins précis, notamment dans les domaines de la protection de la jeunesse, de l'orthophonie et des services aux personnes âgées. Dressant le bilan de la situation dans un éditorial du *Record* de Sherbrooke, M^me^ Sharon McCully affirme : « Plusieurs institutions tenues, en vertu de la loi sur l'accès aux services, d'offrir des services en langue anglaise ont fait valoir que ce mandat leur a permis d'accroître leur personnel et leurs ressources afin de répondre plus efficacement aux besoins des patients des deux groupes linguistiques » [notre traduction]. Madame McCully faisait allusion aux institutions de l'Estrie, mais ses remarques semblent refléter la tendance qui existe dans plusieurs districts anglophones.

Participation équitable

Cette année encore, la sous-représentation des anglophones au sein de la fonction publique provinciale a suscité une vive inquiétude parmi les Anglo-Québécois qui ont protesté auprès du gouvernement. À l'automne, Alliance Québec et la Townshippers Association ont chacune déposé un mémoire au Comité parlementaire sur le budget et l'administration de l'Assemblée nationale. Ils y soulignaient l'urgence de prendre les mesures qui s'imposent pour améliorer la participation des anglophones dans la fonction publique du Québec. Alliance Québec a fait remarquer qu'au 31 mars 1990, seulement 396 des 52 835 fonctionnaires provinciaux étaient anglophones, soit 0,7 p. 100 de tout l'effectif. La Townshippers Association a signalé pour sa part que les deux régions administratives de l'Estrie ne comptent que 38 fonctionnaires anglophones sur un total de 3 936 employés. Les deux organismes ont réclamé la mise en œuvre d'un programme d'égalité des chances qui s'inspire à la fois de la *Charte des droits et libertés de la personne* du Québec et des programmes élaborés récemment à

l'intention des autres communautés culturelles. D'autres mesures ont été proposées, dont l'amélioration des programmes d'embauche grâce au recours à des agents de dotation possédant une meilleure connaissance de l'anglais et du milieu anglophone, l'amélioration des programmes d'évaluation des compétences linguistiques et de formation linguistique, la modification des mesures probatoires pour les nouveaux employés anglophones et, enfin, le recours aux médias minoritaires pour annoncer les emplois du gouvernement.

Alliance Québec a résumé la situation comme suit : « La communauté d'expression anglaise ne participe pas à l'administration publique. Maintenant, plus que jamais auparavant, en ce moment critique du développement du Québec, le gouvernement doit réaffirmer qu'il croit au principe de la participation équitable de la communauté d'expression anglaise dans la fonction publique et réaffirmer son engagement à cet égard ». En octobre, la *Gazette* soutenait une argumentation semblable, parlant d'une « fonction publique incomplète » [notre traduction]. Le mécontentement au sujet de la sous-représentation des anglophones ne se limite d'ailleurs pas uniquement à la fonction publique. La Sûreté du Québec a également été critiquée pour l'absence presque totale de représentants des minorités parmi ses effectifs. La crise d'Oka, l'été dernier, a fait ressortir le besoin urgent pour la Sûreté du Québec d'améliorer ses relations avec les communautés minoritaires. À l'automne, le premier ministre Robert Bourassa nommait M. Claude Ryan au poste de ministre délégué à la Sécurité publique.

Bien que le président du Conseil du Trésor provincial, M. Daniel Johnson, ait rejeté les propositions relatives à des programmes officiels, des mesures ont été prises pour améliorer la situation dans la fonction publique. En mars, le gouvernement formait un groupe de travail composé de sept anglophones représentant toutes les régions de la province. Dirigé par M. David Blair, avocat de la ville de Québec, ce groupe est chargé d'examiner l'égalité des chances des anglophones dans la fonction publique. Monsieur Blair définit son mandat comme suit : « La participation anglophone au sein de la fonction publique est très faible et il s'agit pour nous de proposer des moyens d'inverser la tendance. Nous comptons visiter les régions afin de mieux cerner les problèmes ainsi que pour découvrir quelles sont les possibilités d'emploi et les moyens pour les anglophones d'y avoir accès » [notre traduction]. Le groupe de travail devait présenter son rapport à la fin de l'année.

Les associations minoritaires ont également exprimé leur inquiétude au sujet de la faible représentation anglophone au sein de la fonction publique fédérale au Québec. Malgré les efforts déployés par un comité spécial de représentants de la communauté anglophone et d'administrateurs régionaux d'organismes fédéraux, très peu de progrès ont été réalisés cette année. En effet, les fonctionnaires de langue anglaise ne représentent que 5,6 p. 100 des employés fédéraux au Québec. Le Commissaire, qui, on s'en souviendra, avait déposé un rapport spécial à cet égard en 1987, a continué d'exercer des pressions auprès du

gouvernement. Nous ne disposons d'aucune donnée vérifiable sur la participation anglophone dans les sociétés d'État au Québec, mais tout porte à croire que leur représentation est satisfaisante et qu'elle compense le grave déséquilibre observé dans l'ensemble de la fonction publique fédérale. (Voir Partie II, chapitre 3.)

Les affaires culturelles

La situation linguistique dans le domaine du cinéma au Québec a continué de préoccuper francophones et anglophones. Le gouvernement de la province s'efforce tant bien que mal de concilier deux objectifs contradictoires : promouvoir les films en français et préserver le droit des Québécois de voir les films dans leur version originale, soit l'anglais dans la majorité des cas. Cette année, l'industrie cinématographique a respecté l'entente conclue en 1988 avec le gouvernement concernant la production et la distribution de la version française des productions anglaises. L'industrie a entrepris de produire et de distribuer la version française dans les 60 jours qui suivent la distribution de la version originale. Cependant, la préséance de l'anglais inquiète toujours. Selon une étude rendue publique en 1990 par le ministère des Affaires culturelles, le pourcentage des films présentés en français à Montréal n'était, en 1988, que de 45 p. 100 contre 79 p. 100 dans le reste de la province. En septembre, l'Institut québécois du cinéma a recommandé au gouvernement d'adopter une nouvelle politique destinée à accroître le nombre de films présentés en français. Madame Lisa Frulla-Hébert, ministre des Affaires culturelles, a déclaré que le projet était à l'étude, ajoutant qu'elle préférerait que la promotion des films en français se fasse grâce à des ententes volontaires avec l'industrie, mais que l'adoption de certaines mesures, voire d'une nouvelle loi, pourrait se révéler nécessaire.

Alors que les Québécois pleuraient la perte de Hugh MacLennan, auteur de *Deux solitudes*, l'existence de ces « deux solitudes » dans le secteur de l'édition était source de malaise. Selon H.J. Kirchoff, du *Globe and Mail*, peu de livres français sont traduits et publiés en anglais, et l'inverse est tout aussi vrai. Il a constaté que l'industrie privée estime peu rentable de publier des œuvres traduites et, partant, s'y emploie très rarement. Par exemple, il est virtuellement impossible de se procurer en anglais plusieurs œuvres d'Alice Parizeau, décédée, comme MacLennan, en 1990. Heureusement, le Conseil des Arts a jugé opportun de maintenir son programme de Subventions à la traduction qui, cette année, a permis la publication de 53 ouvrages français traduits vers l'anglais, et de 36 autres traduits de l'anglais au français. Notons qu'il s'agit généralement de livres pour enfants.

Dans un autre domaine, la chanteuse et vedette québécoise Céline Dion a posé une question fondamentale concernant l'identité des Québécois. Le 21 octobre dernier, elle refusait le Félix que lui attribuait l'Association du disque et de l'industrie du spectacle québécois (ADISQ) dans la catégorie de la meilleure interprète anglophone, invoquant qu'elle était Québécoise et par conséquent francophone. Plusieurs observateurs lui ont rétorqué qu'on peut être à la fois

anglophone et québécois. Le chef du Parti québécois, M. Jacques Parizeau, qui avait félicité Céline Dion pour son apport à la culture francophone, n'a pas hésité à souligner que les anglophones font « partie intégrante du Québec ».

Les associations minoritaires

Les associations minoritaires ont connu une année particulièrement fertile en événements. En mars, Alliance Québec a salué la décision de la Cour suprême du Canada dans l'affaire *Mahé et al.*, soulignant son importance pour le respect des droits scolaires des minorités. Rappelons que l'organisme était intervenu en faveur des parents franco-albertains. Plus de 350 membres d'Alliance Québec ont assisté à son congrès annuel tenu au Collège John Abbott à la fin de mai. Le secrétaire d'État, M. Gerry Weiner, et le ministre Christos Sirros, alors délégué à la Santé et aux Services sociaux, se sont entre autres adressés aux délégués. Monsieur Weiner, qui représente une circonscription du Québec à fort pourcentage d'anglophones, a souligné le rôle de premier plan que joue cette communauté dans la société québécoise, affirmant que « les Québécois d'expression anglaise, en raison de leur situation, comprennent avec acuité les défis, les difficultés et les avantages de l'interaction quotidienne de deux communautés linguistiques » [notre traduction].

L'année 1990 marquait le quinzième anniversaire du Comité d'action sociale anglophone, qui représente les anglophones de la Gaspésie. Parmi ses principales réalisations, mentionnons des rencontres avec le comité Blair sur la représentation des anglophones au sein de la fonction publique du Québec et le dépôt d'un mémoire auprès de la Commission Bélanger-Campeau. La Townshippers Association a tenu en septembre sa onzième Journée annuelle à Bedford et a participé avec des hauts fonctionnaires fédéraux aux travaux des comités mixtes « Concertaction » en vue d'améliorer la participation anglophone dans les bureaux gouvernementaux de la région. À l'été, le Council for Anglophone Magdalen Islanders a inauguré un musée où sont exposés des objets retraçant l'histoire des Madelinots. La Outaouais Alliance a profité d'une subvention spéciale accordée par le ministère des Affaires culturelles pour publier un livre intitulé *History of the German Settlement of Mulgrave and Derry*, écrit par une de ses membres, M^me^ Alice Biehler-Burrich. La section régionale des Basses Laurentides d'Alliance Québec a célébré le 150^e^ anniversaire de la collectivité de Lakefield. L'organisme Voice of English Quebec a pour sa part mis en œuvre plusieurs programmes spéciaux, dont une banque d'emplois d'été et un camp de jour, un cours en garde d'enfants, un service d'aide aux personnes âgées et une série de conférences. La Châteauguay Valley English-speaking Peoples' Association a présenté un mémoire à la Commission Bélanger-Campeau. Enfin, l'Association des médias régionaux anglophones du Québec a entrepris un projet susceptible d'influer considérablement sur le climat linguistique du Canada. Afin de favoriser le dialogue et l'harmonie entre 20 journaux anglophones de la Colombie-Britannique et 94 journaux français du Québec, l'organisme offre un service de traduction qui permet aux deux groupes d'échanger et de publier leurs éditoriaux respectifs.

Les provinces de l'Atlantique

La plupart (84 p. 100) des 282 000 francophones des provinces de l'Atlantique vivent au Nouveau-Brunswick où la communauté de langue française est en plein essor, où le français est reconnu comme une langue officielle à l'échelle provinciale et où les deux communautés linguistiques possèdent un statut égal. Des études démographiques ont démontré que pour la grande majorité des citoyens de cette province qui considèrent le français comme leur langue maternelle (237 570 personnes), le français est aussi la principale langue d'usage au foyer (219 350 personnes). Par ailleurs, les communautés francophones des trois autres provinces atlantiques sont beaucoup plus petites et fragiles (leur nombre varie de 36 000 habitants de langue maternelle française en Nouvelle-Écosse à 3 000 seulement à Terre-Neuve), et elles résistent moins bien à l'assimilation à la communauté anglophone, grandement majoritaire. Il est à espérer que l'établissement de réseaux scolaires appropriés ainsi que la mise en place de structures nécessaires à la tenue d'activités sociales en français, telles que la présence accrue des médias et des services gouvernementaux dans cette langue, freineront l'effritement des communautés francophones et contribueront à leur épanouissement.

Le Commissaire aux langues officielles s'est rendu dans la région de l'Atlantique à plusieurs reprises au cours de l'année, où il a rencontré des représentants de tous les gouvernements provinciaux et des communautés minoritaires. Lors de ces rencontres, il a notamment été question de la Constitution, des écoles minoritaires, des médias de langue française ainsi que des services en français offerts par les différents paliers de gouvernement dans cette région. Dans la section qui suit, nous nous penchons sur les principales réalisations de chacune des provinces — le Nouveau-Brunswick, la Nouvelle-Écosse, l'Île-du-Prince-Édouard, Terre-Neuve et le Labrador.

Antonine Maillet du **Nouveau-Brunswick** a l'habitude de comparer les Acadiens aux saumons, sans cesse obligés de nager à contre-courant. L'année 1990, marquée de crises constitutionnelles et de tensions linguistiques, n'a guère été exceptionnelle à cet égard, les francophones ayant connu autant de revers que de succès. Le revers le plus sérieux fut celui de l'échec de l'enchâssement espéré de la *Loi reconnaissant l'égalité de statut des deux communautés linguistiques* (loi 88) dans la Constitution canadienne, qui devait se faire avec la ratification de l'Accord du lac Meech. La résolution nécessaire a cependant été adoptée par l'Assemblée législative du Nouveau-Brunswick et cet enchâssement demeure un objectif du gouvernement. Cependant, le premier ministre Frank McKenna a indiqué que c'était maintenant au gouvernement fédéral d'agir dans ce dossier. Il est à espérer que la Chambre des communes et le Sénat adopteront eux aussi la résolution nécessaire à l'enchâssement des principes de la loi 88 dans la Constitution. Par ailleurs, une Commission sur le fédéralisme canadien, présidée par les ministres Aldéa Landry et James Lockyer, a été créée à la fin de l'année. Elle a pour mandat « de faire des recommandations au gouvernement sur les moyens à

prendre pour consolider le système fédéral canadien de façon à servir les intérêts de la population du Nouveau-Brunswick ainsi que ceux des résidents des autres provinces et territoires ». De plus, la Commission devra se pencher sur « la situation des deux communautés linguistiques du Nouveau-Brunswick ».

Sur le plan interne, le gouvernement de Frank McKenna a poursuivi son action dans le dossier linguistique. Cependant, si la réforme en cours a paru exagérée à certains membres de la communauté anglophone, ceux du Parti Confederation of Regions (CoR) par exemple, les francophones estiment quant à eux que les services offerts en français laissent encore beaucoup à désirer. Dans son rapport annuel de 1989 rendu public en août 1990, M. Joseph Bérubé, l'ombudsman provincial qui, pour la première fois cette année, était chargé de traiter les dossiers des plaintes sur les droits linguistiques, a affirmé qu'il avait reçu pas moins de 81 plaintes sur la qualité des services en français et sept plaintes au sujet de la langue de travail. Il est évident que les francophones du Nouveau-Brunswick ne sont pas tous satisfaits de la qualité des services provinciaux en français. Par ailleurs, d'aucuns se sont plaints que la politique linguistique du gouvernement traite peu ou prou de l'offre active des services au public dans les deux langues et que, malgré la loi provinciale sur les langues officielles, le français n'occupe toujours pas une place égale à l'anglais dans l'administration. En mai, le professeur Pierre Foucher de l'Université de Moncton, reprenant une notion du rapport Poirier-Bastarache de 1982, a déclaré que le régime actuel de bilinguisme institutionnel était nettement insuffisant et que la province devrait plutôt créer des institutions parallèles de langues française et anglaise. En assemblée générale au mois de juin, les membres de la Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) ont prié leur exécutif d'accorder la priorité aux problèmes du manque de services en français et aux possibilités d'autonomie administrative dans les régions acadiennes ainsi qu'à la présence d'institutions distinctes au siège du gouvernement, comme principe organisationnel dans certaines institutions provinciales.

Le gouvernement a cherché à résoudre les problèmes soulevés par les francophones et les anglophones. Il a élaboré des plans de mise en œuvre de sa politique de langues officielles dans toutes ses institutions. Il a lancé une campagne de publicité et publié une brochure accompagnée d'une bande vidéo intitulée *Parlons des faits sur la politique des langues officielles du Nouveau-Brunswick*. Afin d'atteindre ses objectifs, le gouvernement a annoncé en février 1990 que 3 020 postes au sein de 36 institutions (25 p. 100 de tous les postes) seraient désignés bilingues. Le pourcentage de postes bilingues s'élève à 35 p. 100 dans les bureaux centraux des institutions provinciales. Les autres postes sont désignés unilingues, soit anglais essentiel (52 p. 100), soit français essentiel (12 p. 100), ou l'une ou l'autre langue essentielle (11 p. 100). Monsieur McKenna a déclaré qu'il fallait former ou embaucher 700 fonctionnaires bilingues supplémentaires avant le 1er septembre 1993, ce qu'il s'est engagé à faire, tout en garantissant la sécurité d'emploi et les possibilités d'avancement des fonctionnaires

unilingues des deux groupes linguistiques. Il a réitéré son engagement à assurer une participation équitable des francophones et des anglophones à la fonction publique. Selon les derniers chiffres, rendus publics en décembre 1988, les francophones occupent 3 226 (32,6 p. 100) des postes de la fonction publique provinciale, alors qu'ils représentent 33,5 p. 100 de la population de la province. Par contre, dans les bureaux de la capitale (Fredericton), les francophones ne détiennent que 726 (19 p. 100) des postes, dont 58 (24,3 p. 100) à la haute direction.

Dans le domaine de l'éducation, le Nouveau-Brunswick peut être fier de son réseau scolaire qui permet depuis longtemps aux francophones et aux anglophones de gérer leurs établissements respectifs. La *Loi scolaire* stipule que « les districts scolaires, les écoles et les classes sont organisés en fonction de l'une ou de l'autre des langues officielles du Nouveau-Brunswick ». La province possède deux réseaux scolaires distincts, l'un francophone et l'autre anglophone. Le secteur francophone compte 148 écoles dont il a la pleine responsabilité et deux autres établissements qu'il gère conjointement avec le secteur anglophone. Quelque 45 417 élèves et 2 586 enseignants relèvent du secteur francophone. À la fin de l'année, le gouvernement a annoncé la création de maternelles au sein du réseau scolaire. Par conséquent, le nombre d'élèves et d'enseignants devrait augmenter sensiblement dans un avenir rapproché. De plus, c'est le Nouveau-Brunswick qui a profité le premier du mécanisme de promotion locale que constitue le centre scolaire et communautaire; au cours de la dernière décennie, trois de ces centres ont ouvert leurs portes à Fredericton, à Saint-Jean et à Newcastle.

Cette province peut aussi se vanter de posséder un réseau de quatre collèges communautaires francophones et une université de langue française à Moncton, avec des campus à Edmundston et à Shippagan. L'Université de Moncton a annoncé cette année son intention d'offrir un programme de doctorat en études françaises. Notons que le gouvernement profite de l'existence des deux secteurs d'éducation, francophone et anglophone, pour favoriser des échanges profitables aux deux groupes. Signalons en particulier le projet Parlement-école qui a permis à 58 étudiants de 35 écoles secondaires françaises et anglaises d'occuper les sièges de l'Assemblée législative pendant trois jours au mois de mars. (Voir la Partie V pour de plus amples renseignements sur les programmes provinciaux d'enseignement de la langue seconde.)

Même si les éléments essentiels du réseau scolaire de langue française sont en place, de sérieux écarts existent entre les communautés francophone et anglophone dans le domaine de l'instruction et de la formation professionnelle. L'étude menée par M. Roger Bernard pour le compte de la Fédération des jeunes Canadiens français démontre que 8,7 p. 100 des francophones n'ont pas terminé leur cinquième année d'études primaires et que 34,1 p. 100 n'ont pas obtenu leur diplôme d'études secondaires. Un grand nombre d'entre eux seraient à toutes fins utiles des analphabètes fonctionnels. D'ailleurs, le taux d'analphabétisme est beaucoup plus élevé chez les francophones que chez les anglophones de cette

province. Des efforts devraient être déployés afin de mieux renseigner les adultes de la communauté francophone sur les programmes offerts dans les domaines de la formation professionnelle et du recyclage, et afin de leur faciliter l'accès à ces programmes. En outre, il faudrait trouver des moyens d'encourager les jeunes à ne pas abandonner leurs études.

À l'échelle municipale, notons que l'Association des municipalités du Nouveau-Brunswick (AMNB), fondée en 1989, s'est de nouveau réunie cette année. Regroupant 23 municipalités-membres bilingues ou francophones, elle réclame une représentation adéquate au Conseil provincial-municipal. L'Association s'occupe de nombreux dossiers, notamment de la participation des citoyens au gouvernement local, de l'élaboration de logiciels en langue française et de la promotion du tourisme. Par ailleurs, notons que plusieurs municipalités, dont la ville de Moncton, ont fait des efforts particuliers en vue d'améliorer leurs services en français offerts au public. Dans l'ensemble, les municipalités du Nouveau-Brunswick se sont opposées au mouvement d'unilinguisme anglais. Aucune municipalité n'a suivi les exemples de Sault-Sainte-Marie et de Thunder Bay en Ontario. Les six grandes villes du Nouveau-Brunswick ont clairement indiqué leur adhésion au principe d'offrir des services bilingues tel qu'exprimé dans les recommandations publiées par la Fédération canadienne des municipalités. En fait, quelques municipalités à majorités francophone et anglophone ont emboîté le pas au gouvernement et se sont « jumelées » afin de créer des programmes d'échanges très fructueux.

De plus, M. Gérald Clavette, président du Conseil de gestion du gouvernement (Conseil du Trésor), a annoncé que des mesures seront prises afin d'améliorer la qualité des services offerts en français dans les hôpitaux. Il a indiqué que 15 p. 100 des 12 000 employés des 32 hôpitaux de la province devront être bilingues d'ici le mois de septembre 1993. Le gouvernement adoptera une stratégie « d'équipes » dont les objectifs varieront selon la nature des services offerts et le nombre de demandes dans chaque langue. Les grands hôpitaux de Saint-Jean et de Fredericton, qui desservent plusieurs régions de la province, devront redoubler d'efforts dans ce domaine.

Le gouvernement a commencé à donner suite à ses engagements en vue d'améliorer les services offerts en français dans le secteur judiciaire. En outre, le ministre de la Justice, M. James Lockyer, a annoncé en septembre qu'un juge bilingue sera toujours en poste à la Cour provinciale de Moncton. Des mesures seront prises pour assurer le plein respect des droits linguistiques dans la sphère de la justice, notamment pour les inculpés et les défendeurs. Enfin, à Bathurst, deux des trois juges assermentés à la Cour provinciale, en 1990, étaient francophones et bilingues.

La Cour d'appel du Nouveau-Brunswick a confirmé cette année la nécessité de respecter pleinement les droits linguistiques d'un accusé. Ainsi, elle a acquitté

M. Joseph Denis Boudreau d'une accusation de conduite en état d'ébriété, qui pesait contre lui, parce que le certificat démontrant les résultats de l'ivressomètre avait été rédigé en anglais. Dans une décision lourde de conséquences pour les forces policières, le juge Jean-Claude Angers a écrit : « Ce serait contraire au principe d'un procès juste et équitable que de recevoir, sans le consentement de l'accusé, une preuve dans une langue autre que celle choisie pour le procès sans la traduire dans la langue du procès. » De plus, en fin d'année, l'Assemblée législative a adopté un projet de loi amendant la *Loi sur les langues officielles* du Nouveau-Brunswick afin de garantir à tout citoyen le droit de parler la langue officielle de son choix devant tous les tribunaux administratifs et les cours, et d'être entendu par le juge sans avoir recours à la traduction.

L'Acadie Nouvelle a célébré son premier anniversaire comme quotidien distribué à l'échelle provinciale et un nouvel hebdomadaire de langue française, *Hebdo Plus*, a vu le jour à Caraquet. Des gens d'affaires élaborent des projets de lancement d'un autre hebdomadaire français à Grand-Sault et d'une radio communautaire dans la vallée de la Miramichi. Quelque 800 Acadiens, membres de la Coalition pour une télévision de langue française en Acadie, ont protesté en décembre à Moncton contre les réductions budgétaires à la Société Radio-Canada. De plus, une délégation de la Société nationale des Acadiens s'est rendue à Paris au mois de novembre afin de renouveler le programme de coopération France-Acadie pour 1991-1992. Enfin, un important forum de concertation d'organismes acadiens a eu lieu en novembre à Dieppe, et la SAANB a comparu devant la Commission Bélanger-Campeau en décembre.

« L'Université Sainte-Anne en **Nouvelle-Écosse** accueille depuis un siècle les Acadiens des quatre coins de l'Atlantique. Son approche personnalisée lui permet d'offrir un enseignement de qualité [...] Dans plusieurs domaines, elle joue un rôle indispensable de développement intimement lié à ses programmes d'enseignement et de recherche. Que ce soit du point de vue communautaire, économique, éducationnel ou bien encore culturel [...] ses activités et ses services en font preuve [...] » Tel était l'essentiel du message du recteur de l'université Sainte-Anne, M. Harley d'Entremont, à l'occasion du centième anniversaire de cet établissement francophone de la Nouvelle-Écosse. L'université et toute la communauté de langue française du sud de la province ont fêté cet anniversaire en inaugurant, grâce entre autres à l'octroi de fonds des gouvernements fédéral et provincial, une nouvelle cantine libre-service et un théâtre. L'Université Sainte-Anne offre 28 programmes d'études, principalement au niveau du baccalauréat, à 334 étudiants francophones et anglophones bilingues.

Si l'anniversaire de l'Université Sainte-Anne a suscité un certain sentiment d'optimisme au sein de la communauté francophone de la province, il n'en demeure pas moins que le tableau d'ensemble du niveau de scolarité et d'alphabétisation de cette communauté demeure sombre. Un rapport spécial préparé par le ministère de l'Enseignement supérieur et de la Formation dépeint une

situation alarmante : un francophone sur quatre n'a pas terminé sa neuvième année. L'étude intitulée *Le choc des nombres*, rendue publique par la Fédération des jeunes Canadiens français en octobre 1990, présente des données effarantes : 30 p. 100 des francophones de la province ont interrompu leurs études à la huitième année de scolarité, ce qui représente une proportion deux fois plus élevée que chez la population anglophone. Devant la gravité de l'analphabétisme dans la communauté minoritaire, plusieurs intervenants exigent que soit améliorée la qualité de l'enseignement en langue française, afin de rectifier la situation. Selon eux, il s'agit là d'un des facteurs les plus importants pour l'épanouissement à long terme, voire la survie, de la communauté. Ainsi, pour M. Richard Landry, directeur de l'hebdomadaire de langue française de la province *Le Courrier* : « On ne peut pas insister assez sur le fait que la promotion de la langue et de la culture acadiennes doit faire partie de la promotion du programme d'alphabétisation dans cette province. »

La Fédération des parents acadiens de la Nouvelle-Écosse a proposé un plan d'action quinquennal dans le dossier de l'éducation qui comprend, entre autres, l'établissement, la gestion et le contrôle d'écoles françaises et l'instauration d'un réseau de prématernelles. La province compte quelque 3 200 élèves francophones répartis dans 18 écoles mixtes où se trouvent des jeunes des deux communautés linguistiques. Par ailleurs, seulement une douzaine de ces écoles ont reçu la désignation « d'école acadienne » où l'enseignement se fait principalement en français aux termes de la loi scolaire.

L'annonce de la construction d'un centre scolaire et communautaire à Halifax-Dartmouth a été accueillie comme une excellente nouvelle; ce centre devrait ouvrir ses portes au début de l'année scolaire 1991 et recevoir les 500 élèves francophones du district. Par contre, le fait que le gouvernement provincial n'ait pas réagi de façon positive à la suite de la décision de la Cour suprême dans l'affaire *Mahé et al.* en Alberta, en mars 1990, fut une grande déception. La Fédération des parents acadiens de la Nouvelle-Écosse soutenait qu'à la lumière de cette décision, la loi scolaire qui accorde au gouvernement un pouvoir discrétionnaire considérable dans la création d'établissements de la minorité, ne respecte pas l'article 23 de la *Charte canadienne des droits et libertés*. Les francophones attendaient aussi avec impatience le début des cours du Collège de l'Acadie, collège communautaire de langue française à campus multiples, dont la création avait été annoncée avec éclat il y a deux ans.

Notons que des progrès ont été réalisés dans le secteur des services offerts en langue française. En outre, les Acadiens ont bien accueilli la nomination du juge Allan Boudreau à la Cour suprême de la Nouvelle-Écosse; il y a maintenant des juges bilingues aux trois niveaux judiciaires dans la province : les cours de comtés, la Cour provinciale et la Cour suprême. De plus, la municipalité de Clare a annoncé qu'elle rendait bilingues ses formulaires de taxe foncière et l'hôpital pour enfants Izaak Walton Killam à Halifax a pris l'initiative de nommer une coordonnatrice de services bilingues.

Les gouvernements fédéral et provincial se sont engagés à offrir leur aide financière au journal *Le Courrier* et à la station de radio communautaire Radio Clare. Signalons aussi que la communauté francophone capte sur bande MF la programmation du réseau français de Radio-Canada qui comprend les quinze heures par semaine de programmation régionale réalisées à Moncton, en plus de l'émission *Bonjour Atlantique* version Nouvelle-Écosse, réalisée à Halifax depuis 1986. Ajoutons qu'un Conseil culturel acadien, parrainé par la Fédération acadienne de la Nouvelle-Écosse, a vu le jour en 1990. Enfin, notons la présence de nouveaux entrepreneurs qui comptent parmi les membres les plus actifs de la communauté acadienne. Au cours d'une conférence tenue à l'Université Sainte-Anne cet été, ces derniers se sont penchés sur des questions d'actualité relatives au développement économique, telles que : « Encourageons-nous les jeunes à devenir entrepreneur ? Avons-nous le contrôle de notre économie chez nous ? Sommes-nous prêts pour les changements technologiques ? Est-ce que nos gens reçoivent la formation nécessaire ? » L'avenir de la communauté pourrait bien dépendre en partie de la réponse donnée à ces questions.

En Acadie, l'**Île-du-Prince-Édouard** a porté le flambeau non seulement des Jeux de l'Acadie, mais également des projets de réforme linguistique. « Cette année, nous avons plusieurs cordes à ajouter à notre arc : la gestion scolaire de nos écoles françaises, la construction du Carrefour de l'Isle-Saint-Jean à Charlottetown, la construction du nouveau Musée acadien, l'établissement des écomusées, le succès des Jeux de l'Acadie, la diffusion de *Bonjour Atlantique*-Î.-P.-É., douze mois par année [...] » C'est en ces termes optimistes que la présidente de la Société-Saint-Thomas-d'Aquin (SSTA), M^me^ Darlene Arsenault, a décrit les réalisations des 6 000 francophones de l'Île-du-Prince-Édouard au cours de cette année tout à fait exceptionnelle.

Tous les dossiers linguistiques ont progressé, mais c'est indiscutablement celui de l'éducation qui retient le plus l'attention. À la suite de l'adoption de modifications à la loi scolaire en 1988 et de nouveaux règlements en février 1990, un conseil scolaire provincial francophone a été créé le 1^er^ juillet 1990. Géré par 15 conseillers francophones venant de toutes les régions acadiennes, mais en majorité du district Évangéline, ce conseil a maintenant la pleine responsabilité de la gestion du réseau scolaire de langue française dans l'Île, qui compte 543 élèves répartis entre deux écoles et des classes de langue française au sein d'une troisième à majorité anglophone. Dans sa publication intitulée *La Décennie 90*, la Fédération des francophones hors Québec signale que « le législateur de la province a su trouver un compromis fort intéressant qui respecte à la fois la *Charte* et la situation particulière de la minorité francophone » et que d'autres provinces auraient intérêt à « s'inspirer de ce modèle ».

Signalons également que les travaux ont commencé à Charlottetown en vue de la construction du centre scolaire et communautaire, le Carrefour de l'Isle-Saint-Jean, et que l'on en prévoit l'ouverture pour la rentrée scolaire de quelque 80 enfants

francophones de Charlottetown en septembre 1991. Des classes françaises à l'intention de 13 enfants francophones de Summerside ont par ailleurs commencé en septembre. Ainsi les enfants n'ont plus à faire le trajet de 20 km jusqu'à l'école Évangéline de Abram's Village.

Ces réalisations paraissent peut-être remarquables, mais il n'en demeure pas moins que l'ensemble du tableau scolaire de la communauté minoritaire n'est pas très brillant. Le nombre des enfants admissibles aux classes françaises est sans aucun doute nettement supérieur aux inscriptions actuelles. Par ailleurs, le taux d'abandon est plus élevé chez les jeunes francophones que parmi les enfants de la communauté majoritaire. La SSTA a évalué à 10 p. 100 la proportion d'analphabètes « complets » dans les communautés de langue française de l'Île, et à pas moins de 40 p. 100 celle des analphabètes « fonctionnels ».

Des progrès ont été réalisés en matière de langue de service au gouvernement provincial grâce au travail diligent du Secrétariat provincial des affaires francophones, ce qui est loin d'être le cas dans les institutions fédérales, à l'exception de Marine Atlantique. Cependant, il importe de noter que les hôpitaux Prince County à Summerside et Queen Elizabeth à Charlottetown ont entrepris des études sur les modalités de l'offre de services en langue française.

Jeux de l'Acadie

Pour la première fois cette année, les Jeux de l'Acadie ont eu lieu à l'Île-du-Prince-Édouard. La communauté a su organiser les Jeux et recevoir pas moins de 2 300 athlètes et visiteurs dans le cadre de cette activité qui s'est tenue au mois de juillet. À la cérémonie de clôture, le premier ministre Joe Ghiz a félicité en français les organisateurs de leur « magnifique travail ». Notons que l'Île-du-Prince-Édouard est aussi la province hôte des Jeux d'hiver du Canada de 1991 qui auront lieu du 17 février au 2 mars 1991. Quelque 2 000 athlètes et 30 000 visiteurs des deux communautés linguistiques canadiennes sont attendus dans le cadre de ces activités. La Société des Jeux d'hiver du Canada a établi une section spéciale afin de répondre adéquatement aux exigences de service dans les deux langues officielles. Cependant, comme l'organisme manque de personnel bilingue permanent — seulement 7 des 60 employés seraient capables d'offrir des services en français — M. Francis Blanchard, vice-président de la Société, a fait appel à des bénévoles, et avant la fin de 1990, 500 citoyens francophones et bilingues de la province avaient accepté de participer à cette activité d'envergure pour y soutenir les services français.

Parmi les autres faits notables de l'année, mentionnons la présentation du premier spectacle en français au « Confederation Centre » de Charlottetown et les nombreux festivals de culture traditionnelle acadienne, les manifestations contre les réductions des services de la Société Radio-Canada, l'étude sur les moyens de freiner l'assimilation menée par la SSTA, ainsi que l'ouverture de nouvelles coopératives. De plus, *La Voix acadienne*, l'hebdomadaire francophone de l'Île, a remporté le premier prix pour la couverture d'une activité

décerné par l'Association de la presse francophone. Il s'agissait de la couverture d'une réunion semestrielle de la SSTA. Enfin, notons que la communauté a entrepris des échanges culturels avec la France, notamment la visite à l'Île-du-Prince-Édouard de footballeurs de Saint-Pierre et Miquelon.

En dépit du climat difficile créé par la crise constitutionnelle cette année, les 3 000 francophones de **Terre-Neuve et du Labrador** ont su mener à bien leurs dossiers linguistiques. En septembre, pour la première fois, et grâce à une entente fédérale-provinciale, 26 élèves francophones de la première à la troisième année ont commencé des classes françaises à Saint-Jean. De plus, le ministère de l'Éducation, le conseil scolaire local et les parents francophones se sont entendus pour que soit entreprise une étude sur la viabilité de l'implantation de classes à des niveaux plus avancés. Ces 26 premiers élèves francophones de la capitale profitent donc de l'instruction en français, tout comme 250 autres enfants inscrits aux classes françaises dans la péninsule de Port-au-Port et au Labrador.

Ces progrès sont certes importants, mais il reste que les francophones n'ont qu'un nombre limité de classes en français et que le contrôle de l'éducation en français échappe toujours aux parents francophones. Le ministre de l'Éducation, M. Philip Warren, a bien accueilli la décision de la Cour suprême dans l'affaire *Mahé et al.*, mais il croit que le nombre d'enfants francophones demeure en ce moment insuffisant pour justifier la création d'un conseil scolaire francophone. « La meilleure solution est d'assurer la représentation des francophones au sein des conseils scolaires offrant une instruction en français », a-t-il dit. Cependant, la Fédération des parents francophones de Terre-Neuve et du Labrador prétend le contraire et s'est déjà penchée sur la question d'un modèle de conseil scolaire francophone provincial. Lors d'une rencontre en septembre avec le premier ministre Clyde Wells et M. Warren, le Commissaire aux langues officielles a souligné le désir de la communauté francophone de gérer son propre réseau scolaire. Avant la fin de l'année, MM. Wells et Warren ont rassuré le Commissaire quant aux progrès réalisés dans ce dossier, indiquant que des consultations avec des experts et avec la communauté minoritaire étaient en cours. Par ailleurs, le gouvernement du Canada ainsi que celui de Terre-Neuve et du Labrador ont annoncé en février 1990 un accord concernant les langues officielles dans l'enseignement. Le gouvernement fédéral versera à la province quatre millions de dollars afin d'aider à payer pour l'enseignement en français et l'enseignement du français comme langue seconde.

Si l'éducation en français demeure le dossier prioritaire de la communauté acadienne et francophone, il est loin d'en être le seul. Signalons la mise sur pied de mécanismes de collaboration entre les différents organismes de la communauté minoritaire : la Fédération des francophones de Terre-Neuve et du Labrador (FFTNL), la Fédération des parents, les groupes de jeunes, le journal *Le Gaboteur*, etc. De plus, une autre priorité demeure la construction d'un tronçon de route

entre les communautés de Cap-St-Georges et de Grand'Terre, situées à 15 km l'une de l'autre, mais reliées par une route de 75 km qui parcourt la péninsule de Port-au-Port. Par ailleurs, la radio communautaire de Grand'Terre a célébré son premier anniversaire. Une nouvelle station est proposée pour le Labrador, et l'entreprise de télédistribution de Saint-Jean s'engage à offrir une plus grande programmation en langue française. La FFTNL réclame aussi des transmissions de la Société Radio-Canada de Moncton plutôt que de Montréal et demande l'affectation d'un journaliste à plein temps à Terre-Neuve. En outre, signalons qu'un premier procès a eu lieu en français cette année dans la province.

Enfin, c'est à Terre-Neuve que la Fédération des jeunes Canadiens français (FJCF) a tenu son assemblée générale au mois de juillet dernier. Les assises de la FJCF ont réuni des jeunes de toutes les provinces canadiennes dans la péninsule de Port-au-Port et ont eu un grand retentissement grâce au projet contre l'assimilation, aux recherches sur *Vision d'avenir* et à l'orientation activiste politique. Au cours de leur réunion, les jeunes Canadiens français ont proposé l'édification d'un « nouveau projet de société pour les communautés francophones au Canada ».

PARTIE V

L'enseignement de la langue seconde

1. Problèmes et progrès

Le champ de l'enseignement de la langue seconde a paru aussi calme cette année qu'un jardin sous la neige. Cette apparente quiétude masque toutefois une intense activité. Nombre d'initiatives entreprises dans les années 1970 et 1980, période d'expansion et de développement des programmes de langue seconde, seront en effet redéfinies au cours des ans.

Le succès de l'enseignement du français et de l'anglais langue seconde, comme de toute langue, repose sur une diversité de facteurs convergents qui trouvent leur origine dans des sources variées, notamment la motivation de l'étudiant, la compétence pédagogique et linguistique du professeur, ainsi qu'un matériel didactique adéquat fourni par les conseils scolaires et les ministères provinciaux. Pour réussir, tout enseignement des langues doit donc être planifié à long terme. Ainsi, nous serons en mesure de constater, au cours des années 1990, les effets des études et des programmes provinciaux entrepris voilà des années et qui commencent à produire leurs fruits dans de nombreuses écoles.

Pour faire suite à un rapport soumis par un comité consultatif ministériel, la Colombie-Britannique a adopté une nouvelle approche pour l'enseignement des matières essentielles, appelée *Year 2000*. La Nouvelle-Écosse a pour sa part modifié ses exigences en matière de français au secondaire, tandis que le Nouveau-Brunswick ajoutait à son système scolaire régulier le niveau de la maternelle. Les effets de l'*Étude nationale sur les programmes-cadres de français*, entreprise il y a de nombreuses années, commencent ainsi à se faire sentir dans l'enseignement de la langue seconde partout au Canada. Enfin, un sondage de la Canadian Parents for French (CPF), effectué en octobre 1989 par la société Environics Research Group Ltd., révèle que près des trois quarts des Canadiens souhaitent que les enfants de leur province apprennent leur seconde langue officielle. Partout, la majorité appuie l'enseignement de la langue seconde, dans une proportion particulièrement élevée à Montréal (91 p. 100), à Toronto (81 p. 100), dans les provinces de l'Atlantique (79 p. 100) et en Ontario (74 p. 100).

Tous ces nouveaux changements résultent de plusieurs années d'efforts. Pour l'instant, toutefois, la période des grands bouleversements est révolue. Ainsi, sauf

peut-être au Québec, 1990 n'a pas été caractérisée par des études spéciales, des rapports marquants ou des déclarations ministérielles. En revanche, on a assisté à l'enracinement de diverses mesures qui porteront leurs fruits à plus long terme.

Au cours de l'année, le Commissaire a pris contact avec la plupart des ministres de l'Éducation, des associations de parents et d'autres groupes d'intérêt. Entretemps, le personnel du Commissariat assurait la liaison avec les représentants du gouvernement et divers groupes tels que la CPF. Dans le présent chapitre, nous traitons des principaux thèmes qui sont d'intérêt commun pour tous les spécialistes du domaine, notamment la formation des enseignants, le maintien de l'acquis en langue seconde et les activités parascolaires. Nous y examinons la situation de l'enseignement du français et de l'anglais à l'échelle nationale au moyen d'une analyse des programmes-cadres, des programmes d'immersion en français et des programmes intensifs d'anglais, ainsi que des diverses formes qu'ils ont revêtues. La section suivante, intitulée « Survol régional », est consacrée aux provinces. Les questions relatives à l'éducation en la langue minoritaire sont abordées dans la Partie IV.

Les inscriptions

Pour bien saisir dans quel contexte s'est déroulée la dernière année, il est utile de se reporter non seulement dix ans en arrière, mais bien vingt ans. Voilà deux décennies, quelque 30 p. 100 des élèves inscrits à l'élémentaire suivaient des cours de français, chiffre qui a presque doublé depuis. Durant la même période, de presque nul qu'il était à l'extérieur du Québec, le taux d'inscriptions aux programmes d'immersion en français représentait plus de 7 p. 100 de tous les étudiants anglophones. La CPF, groupe de pression national voué à l'amélioration de l'enseignement du français, a connu une évolution semblable. En effet, cet organisme, qui n'existait pas il y a vingt ans, compte aujourd'hui 18 000 bénévoles qui consacrent annuellement à leur cause des dizaines de milliers d'heures.

En 1990, un total d'environ deux millions de jeunes anglophones (niveaux primaire et secondaire) étaient inscrits aux programmes de français langue seconde. Au Québec, où l'apprentissage de l'anglais langue seconde est obligatoire de la quatrième année à la fin du secondaire, on évalue à 600 000 le nombre de francophones qui étudiaient l'anglais. En outre, l'immersion en français a progressé malgré la situation particulière qui règne au pays, ce dont témoigne le nombre accru d'inscriptions dans les classes d'immersion en français, en hausse de 8 p. 100 selon Statistique Canada, soit nettement plus que l'augmentation de la population scolaire.

La Colombie-Britannique a annoncé que dès 1992 le français fera partie intégrante du programme d'études de la quatrième à la huitième année. Les programmes de langue seconde officielle sont obligatoires en Ontario, au Québec, au Nouveau-Brunswick, à l'Île-du-Prince-Édouard, en Nouvelle-Écosse et à Terre-Neuve. Ailleurs, le taux de participation aux programmes de français langue

seconde est significatif : 57 p. 100 au Manitoba, 66 p. 100 en Saskatchewan et 39 p. 100 en Alberta.

Il ne suffit cependant pas d'offrir des cours; pour être efficaces, les programmes doivent aussi être bien conçus. Les éducateurs du pays poursuivent leurs efforts en vue d'améliorer la qualité des programmes de langue seconde. Dans le « Survol régional », le lecteur trouvera plusieurs exemples d'activités locales, élaborées par les gouvernements, les écoles ou les parents, destinées à capter l'intérêt de nombreux jeunes. Mentionnons les échanges d'étudiants, les colonies de vacances, l'adoption de méthodes simples mais novatrices en matière de formation des enseignants, l'amélioration des programmes d'études ainsi que l'utilisation de nouvelles technologies, notamment l'audiovisuel et le téléenseignement, sans compter la collaboration entre les divers groupes intéressés. Madame Helen Coles, conseillère œuvrant à Toronto dans le domaine du français langue seconde, résume la situation : « Je ne crois pas que nous ayons encore à nous battre pour imposer nos programmes. La question n'est plus "Devrions-nous offrir des cours de français ?", mais plutôt "Quelle est la meilleure méthode ?" »

Étude nationale sur les programmes-cadres de français et leur application

Comme nous le rapportions l'an dernier, les répercussions de l'*Étude nationale sur les programmes-cadres de français* se font sentir dans toutes les classes du pays. Menée à l'échelle du Canada, cette étude a été financée par le Secrétariat d'État tout au long de sa réalisation, soit de 1985 à 1989. À l'époque, les programmes d'immersion en français retenaient tout particulièrement l'attention des chercheurs, même si la majorité des enfants faisaient, comme c'est encore le cas, l'apprentissage du français à l'intérieur d'un programme-cadre régulier.

L'étude concluait globalement qu'un programme-cadre varié fondé sur quatre éléments — le langage, la communication, la culture et une connaissance générale de la langue — permettrait aux étudiants de communiquer dans leur langue seconde à la fin de leurs études secondaires. Ses recommandations reposent sur deux points fondamentaux : la formation des enseignants axée sur l'approche communicative et un plus grand nombre d'heures consacrées à l'apprentissage du français en classe. Présentement, la formation ou le recyclage des enseignants est fondé sur l'approche communicative. Certaines des nouvelles techniques proposées sont d'une grande simplicité, qu'il s'agisse d'inciter les enfants à créer leurs propres livres en français, de présenter de courts films sur bande vidéo, d'écouter des artistes francophones ou d'assister à leur spectacle. D'ailleurs, M^me^ Coles signale que des écoles organisent même leur propre festival en français et des festivals non compétitifs de musique.

L'étude comportait aussi un volet appelé Projet écoles, en vertu duquel un réseau national d'échanges sur les dispositions des programmes-cadres devait être mis

sur pied. En décembre, des représentants provinciaux se sont ainsi rencontrés à Montréal afin d'examiner quels aspects du document pourraient aider à établir les grandes orientations des programmes d'études provinciaux. Notons en outre qu'une session d'information (organisée par M. Roger Tremblay qui présidait l'un des groupes de travail) précédera la prochaine rencontre annuelle de l'Association canadienne des professeurs de langues secondes, en vue de souligner les principales initiatives professionnelles en enseignement de la langue seconde; enfin, on étudiera la possibilité d'insérer certaines activités dans le matériel produit par les éditeurs.

Depuis sa parution, l'étude a donné lieu à plusieurs modifications dans la formation des enseignants de langue seconde, puisque les provinces s'affairent à consolider la mise en œuvre de l'approche communicative. Cette question est abordée plus en détail dans le « Survol régional ».

L'immersion en français

Les programmes d'immersion en français ont célébré en 1990 leur 25e anniversaire. Ce qui était à l'origine un projet expérimental, entrepris à Saint-Lambert (Québec), est devenu une partie intégrante du système d'enseignement de toutes les provinces. En 1970-1971, on ne trouvait pour ainsi dire aucun élève en immersion à l'extérieur du Québec; vingt ans plus tard, en 1990-1991, on estime que 11 p. 100 de tous les étudiants de langue seconde et 6 p. 100 de toute la population scolaire sont inscrits aux programmes d'immersion. Le taux d'inscriptions a connu une hausse annuelle de 10 à 20 p. 100 entre 1984 et 1989. Et il ne cesse de croître, même si ce n'est plus au rythme spectaculaire des années 1970 et 1980. Bien sûr, nous savons désormais que l'immersion ne sera jamais un programme universel; elle n'y a d'ailleurs jamais prétendu. Mais, dans de nombreux cas, de bons programmes-cadres de français conviennent parfaitement aux besoins exprimés.

Toutefois, aucun éducateur ne niera aujourd'hui que l'immersion est une méthode fort efficace d'apprentissage d'une autre langue. Il reste maintenant à poursuivre l'amélioration du programme afin de pouvoir disposer de professeurs qualifiés et d'un bon matériel didactique ainsi que d'assurer un large accès au programme et une utilisation maximale des ressources financières de chaque région.

Une façon d'améliorer la méthode immersive consiste à explorer les effets de son introduction à différents moments du cycle scolaire. On compte généralement trois types d'immersion : longue (débutant à la maternelle ou en première année), moyenne (à partir de la quatrième année) et courte (à partir de la sixième ou de la septième année). Chaque programme possède ses avantages et ses adeptes, et il est évident qu'aucune option ne conviendra jamais parfaitement à tous les enfants, ni à l'ensemble des conseils scolaires. Il faut également considérer, d'une part, que le coût du programme augmente en fonction de sa durée et,

d'autre part, que la compétence linguistique de l'étudiant au terme du programme dépend au moins en partie du moment où il a commencé son apprentissage. Les observations des premiers intéressés doivent être prises en compte : la psychologie de l'étudiant reste ainsi l'une des pierres angulaires des programmes. On peut par exemple se demander si des élèves de quatrième année accueilleront une importante modification du programme, tel que le changement de la langue d'enseignement, avec la même réceptivité que s'ils étaient en première année.

À cet égard, les partisans de l'immersion s'inquiètent du fait que celle-ci soit mieux intégrée au primaire qu'au secondaire. Pratiquement, la croissance spectaculaire de l'immersion, qui commence à peine à se manifester dans les écoles secondaires, explique en partie cette situation. Néanmoins, la demande s'accroît au fur et à mesure que les jeunes frères et sœurs des pionniers de l'immersion progressent dans le système scolaire.

L'immersion est peut-être devenue le phénomène le plus étudié de l'histoire de l'éducation au Canada. Les chercheurs ont déjà constaté qu'elle peut profiter à des étudiants aux aptitudes diverses, qu'elle ne nuit à l'apprentissage d'aucune matière et qu'elle est un excellent moyen d'avoir une connaissance fonctionnelle du français.

Mais la méthode peut encore être perfectionnée. Des chercheurs de l'Institut d'études pédagogiques de l'Ontario ont dressé une liste des aspects à explorer dans les années 1990. Parmi ceux-ci, mentionnons les conséquences d'une immersion entreprise à différents niveaux, les effets cognitifs du bilinguisme, les programmes de français destinés aux allophones (étudiants dont la langue maternelle est autre que le français ou l'anglais) et certains problèmes précis survenant en classe, le mutisme de certains élèves par exemple.

Le Centre international de recherche en aménagement linguistique, autrefois le Centre international de recherche sur le bilinguisme, a compilé une *Synthèse historique de l'immersion française au Canada suivie d'une bibliographie sélective et analytique*. Le document servira d'abord aux chercheurs spécialisés dans le domaine de l'éducation, mais tous y trouveront un bon résumé des principaux avantages et désavantages de l'immersion.

Les activités connexes

Deux programmes du Secrétariat d'État, le Programme de moniteurs de langues officielles et le Programme de bourses d'été, offrent aux étudiants canadiens la possibilité d'acquérir une précieuse expérience dans leur langue seconde.

Les échanges d'étudiants constituent depuis toujours l'une des méthodes complémentaires à l'apprentissage en classe des plus profitables. Un réseau

d'échanges inter-provinciaux (intra-provinciaux dans certains cas) donne aux étudiants la chance d'utiliser leur langue seconde dans un cadre social détendu. La Société éducative de visites et d'échanges au Canada (SEVEC) organise annuellement des échanges pour environ 8 000 étudiants.

En Colombie-Britannique, la « Fête colombienne des enfants » de Fort Langley a pris beaucoup d'ampleur et connaît un succès sans précédent. Ce festival francophone a attiré quelque 20 000 étudiants en 1990, sa deuxième année d'existence. Les organisateurs ont également publié un magazine, *Le Jongleur*, et un répertoire d'adresses destiné aux jeunes qui désirent travailler en français. Divers programmes d'échanges provinciaux ont également lieu, comme on le mentionne dans le « Survol régional ».

Canadian Parents for French

L'association Canadian Parents for French (CPF), groupe de pression national composé de parents, a été particulièrement active en 1990, année de son quatorzième anniversaire. Comme toujours, la CPF a généreusement collaboré à l'éventail d'activités parascolaires dont profitent les étudiants canadiens, notamment au Festival national d'art oratoire annuel. Ce dernier, point culminant d'une série de concours d'éloquence qui se déroulent en français dans tout le pays, s'est tenu en mai 1990 à Ottawa. De plus, sept provinces ont accueilli douze « Rendez-vous », congrès de deux jours durant lesquels les étudiants participent à une série d'activités en français. À ces rencontres très populaires et d'une ampleur considérable, s'ajoutent une gamme d'activités locales plus modestes organisées dans toutes les régions du pays.

La CPF a produit une bande vidéo d'une demi-heure afin de souligner ses réalisations qui ont contribué à faire du français une réalité vivante pour les élèves anglophones. La bande vidéo, intitulée *Élargir ses horizons*, montre des enfants en train de jouer, d'étudier, de chanter et d'échanger des blagues, le tout en français. Partout où elle est présentée, de Summerside (Île-du-Prince-Édouard), au Camp de neige organisé dans les Territoires du Nord-Ouest, la bande vidéo illustre les objectifs de la CPF en présentant le fait de parler français comme une activité intéressante, utile et tout simplement agréable.

Comme nous le mentionnions dans le *Rapport annuel 1989*, la CPF a réédité en janvier 1990 son précieux manuel, intitulé *So You Want your Child to Learn French*. Ce guide fort apprécié constitue sans doute le meilleur outil global dont disposent les parents pour décider du programme d'enseignement de la langue seconde le plus approprié pour leurs enfants. En 1989, la CPF a commandé à la société Environics Research Group Ltd. un sondage national sur l'apprentissage de la langue seconde. Le résultat du sondage, rendu public en février 1990, a révélé que 69 p. 100 des anglophones et 90 p. 100 des francophones souhaitent que les jeunes apprennent leur langue seconde à l'école. Le lecteur trouvera dans

le « Survol régional » un aperçu de certaines conclusions de ce sondage, par province, ainsi que d'autres réalisations de la CPF.

La formation des enseignants

La formation des enseignants est au cœur des préoccupations de tous les acteurs du dossier de la langue seconde, qu'il s'agisse de la formation de nouveaux enseignants ou du recyclage des professeurs en poste. Le maintien de critères élevés pour les nouveaux enseignants et les enseignants d'expérience est d'autant plus important que chaque province est aux prises avec une pénurie de professeurs. En janvier 1989, la Fédération canadienne des enseignantes et enseignants a tracé le tableau des écarts entre l'offre et la demande dans tous les domaines. On estime que la brusque hausse de la demande en enseignants, survenue au milieu des années 1980, s'accentuera au cours de la prochaine décennie. L'offre devrait pour sa part diminuer légèrement durant la même période. Si la tendance actuelle se maintient, la pénurie pourrait se chiffrer à quelque 8 000 enseignants à l'échelle du pays.

La pénurie est particulièrement grave pour ce qui est des professeurs spécialisés, notamment les enseignants de langue seconde. Chaque province en est victime d'une façon ou d'une autre. Certaines, comme l'Île-du-Prince-Édouard, ne possèdent aucun établissement de formation et doivent recruter leurs enseignants à l'extérieur de la province. D'autres sont pourvues d'excellentes facultés des sciences de l'éducation, dont peu de candidats cependant ont une connaissance parfaite des deux langues. Les régions rurales et les petites agglomérations éloignées éprouvent de grandes difficultés à attirer et à retenir des enseignants de langue seconde qualifiés. En dernier lieu, signalons le cas du Nouveau-Brunswick qui, tout en produisant assez de professeurs pour ses besoins, perd de nombreux diplômés qui choisissent de s'établir ailleurs au pays.

La formation des enseignants de langue seconde revêt deux aspects : la langue et la méthode. En ce qui concerne le premier aspect, l'idéal serait que chaque professeur possède parfaitement la langue seconde qu'il enseigne, ce qui n'est pas encore le cas. Quant à la méthode, c'est l'approche communicative prônée par l'*Étude nationale sur les programmes-cadres de français* qui réussit présentement la plus importante percée dans le domaine de la formation, en particulier dans la formation en cours d'emploi.

En vue de répondre à ses propres besoins, la Nouvelle-Écosse a franchi une étape importante avec l'embauche d'un conseiller qui coordonnera la formation des enseignants. Son rôle en est un d'agent de liaison entre les conseils scolaires et les établissements de formation des enseignants (nous en traitons dans le « Survol régional »). De même, le Centre de formation des professeurs de français langue seconde de l'Université du Nouveau-Brunswick a entrepris l'élaboration d'un plan de perfectionnement professionnel qui aidera les districts scolaires à améliorer leur programme de recyclage.

Les universités de la Colombie-Britannique se préparent à faire face à la demande accrue en enseignants du français langue seconde par suite de l'adoption d'une résolution provinciale qui rend le français obligatoire de la quatrième à la huitième année dans toutes les écoles, dès 1992. Alors qu'il faisait autrefois partie du ministère de l'Éducation, le French Resource Centre et ses deux employés ont déménagé à l'Université Simon Fraser. Celle-ci offre à ses étudiants en éducation un semestre facultatif en formation des langues qui comprend cinq semaines au Québec. Elle propose également une série de huit sessions de recyclage destinées à une centaine de professeurs du sud de la province, qui pourront ensuite partager leurs nouvelles connaissances avec leurs collègues.

L'Université de la Colombie-Britannique a créé pour sa part un programme intensif qui permet de réduire la durée de la formation des enseignants de langue seconde de deux ans à douze mois. L'université avait déjà mis en œuvre un nouveau programme à l'intention des enseignants du programme-cadre, différent de celui destiné aux enseignants des programmes de français langue maternelle et des programmes d'immersion. Son académie d'été, vouée à la formation en français langue seconde, en est à sa deuxième année d'existence.

Étant donné qu'il est aussi important de retenir les enseignants que de les former, la faculté Saint-Jean de l'Université de l'Alberta tient des sessions d'orientation à l'intention des nouveaux professeurs dans la province; nous abordons cette question plus en détail dans le « Survol régional ».

Le maintien de l'acquis en langue seconde

La possibilité de mettre leurs connaissances en pratique après avoir obtenu leur diplôme constitue l'une des préoccupations majeures des étudiants en langue seconde et de leurs éducateurs. Perdront-ils au cours de leurs études universitaires un savoir chèrement acquis ? Leur compétence linguistique se diluera-t-elle en raison d'une vie sociale et d'un milieu de travail où elle ne sera pas utilisée ? Quelle est la meilleure façon pour les étudiants de se préparer à maintenir leurs connaissances linguistiques, et comment trouver à les mettre en pratique après l'école secondaire, dans un monde où elles ne sont pas requises ?

Le Commissariat participe depuis quelques années aux recherches portant sur le maintien de l'acquis en langue seconde. En 1988, nous avons commandé à l'Institut d'études pédagogiques de l'Ontario (IEPO) une bibliographie analytique et un résumé des questions explorant les facteurs de maintien de l'acquis en langue seconde au terme des études. Nous apportons présentement notre appui à une autre recherche sur les stratégies et les ressources communautaires qui peuvent aider les étudiants à maintenir leurs connaissances. L'étude, qui devrait être terminée au printemps 1991, sera éventuellement rendue publique.

Dans le *Rapport annuel 1985*, nous nous demandions si le « [...] marché des emplois bilingues auquel on fait si souvent allusion quand il s'agit de pro-

mouvoir l'apprentissage du français comme langue seconde [...] existe vraiment, ou [s'il] existera au moment où la majorité des étudiants actuels entreprendront leur carrière ». Cette citation a coiffé l'introduction du rapport final, paru en juin, intitulé « Prospects for Immersion Graduates: Bilingualism in the Private Sector ». Il ressort de cette étude menée par l'IEPO que, dans la majorité des cas, les emplois requérant le bilinguisme ne correspondent pas aux objectifs de carrière de la plupart des étudiants en immersion. Cette situation est en partie attribuable au fait que les emplois exigeant le bilinguisme comportent généralement un volet de service au public, domaine dans lequel l'avancement équivaut souvent à occuper un poste où le bilinguisme n'est plus requis. Le sondage mené auprès des étudiants en immersion leur demandait d'indiquer le métier qu'ils envisagent d'exercer après leurs études : les emplois qu'ils envisageaient étaient plus susceptibles d'exiger une capacité bilingue dans le secteur public.

Les chercheurs avaient souligné un type d'emploi en particulier. Il s'agit du métier de « représentant au service à la clientèle » qui, en plus d'être en demande, convient aux diplômés en immersion. Des études de cas furent menées au sein de quatre entreprises du secteur privé. De plus, six diplômés du secondaire en immersion ont participé à des entrevues simulées aux fins de l'étude, dont certaines par des agents du personnel d'entreprises en quête de représentants.

Les agents ont conclu que trois des six candidats s'exprimaient suffisamment bien pour satisfaire aux exigences du poste, ce qui témoigne d'une assez bonne connaissance du français. Toutefois, en raison du peu d'étudiants interrogés, on ne peut vraiment tirer aucune conclusion générale. En revanche, on peut affirmer qu'au terme du secondaire, la compétence linguistique de certains étudiants en immersion leur permettrait de travailler dans leur langue seconde, mais qu'ils ne trouveront pas nécessairement un emploi qui exige le bilinguisme.

On ne peut confier aux seuls établissements postsecondaires la responsabilité d'aider les étudiants à maintenir leurs connaissances linguistiques : ces derniers doivent aussi assumer une part de responsabilité. Cependant, les collèges et les universités peuvent contribuer à préserver cet acquis en leur offrant la possibilité de poursuivre une partie de leurs études dans leur langue seconde.

À cet égard, l'Institut de formation linguistique de l'Université de Regina peut être cité en exemple. Des cours de français langue seconde y seront en effet offerts au baccalauréat en sciences de l'éducation dès que l'établissement ouvrira officiellement ses portes, au mois de mars 1991. Une variété de matières y seront également enseignées en français. Il sera en outre possible d'organiser des congrès et des séminaires : l'auditorium de 150 places servira de lieu de rencontre pour diverses activités, notamment des concerts, des films et des conférences. L'Institut offrira enfin des séjours en immersion totale et sa résidence française sera mise à la disposition de l'université. Un agent de liaison communautaire

coordonnera l'utilisation des locaux pour une variété d'activités auxquelles pourront participer tous les étudiants, les habitants de la région, les francophones et les francophiles.

La formation des enseignants constitue un autre des enjeux du maintien de l'acquis en langue seconde. Il est devenu rare pour un établissement de formation des enseignants d'aborder cette question avec ses propres étudiants. Comme précieux ajout à l'éducation de base des enseignants, on pourrait intégrer au programme d'études un volet méthodologique traitant des facteurs du maintien de l'acquis; ce volet serait par la suite inclus dans le propre programme d'enseignement du professeur.

Conclusion

La fédération Teachers of English as a Second-Language in Canada (TESL) lance en mai 1991 une campagne nationale d'information visant à faire connaître aux Canadiens les besoins en matière d'apprentissage de la langue seconde à l'échelle du pays. La campagne met l'accent sur l'enseignement qui représente un investissement dans l'avenir social et économique du Canada. Elle signale également qu'une connaissance de la langue seconde permet aux citoyens de travailler ensemble à faire du Canada la société dans laquelle ils souhaitent vivre.

Bien que la fédération soit engagée dans l'enseignement de l'anglais aux allophones, sa philosophie nous renvoie l'écho de nos propres réflexions sur les raisons qui plaident en faveur de l'enseignement du français et de l'anglais à nos enfants. Le travail que nous accomplirons dans le jardin linguistique de la dernière décennie du siècle produira une riche moisson pour les Canadiens du XXIe siècle.

2. Survol régional

Nulle question touchant l'éducation ne saurait être envisagée au Canada sans tenir compte des disparités régionales. Nous complétons, dans la présente section, notre examen des premiers résultats de la mise en œuvre des recommandations et des innovations proposées par un certain nombre d'études spéciales et de chercheurs. C'est du Québec, où de plus en plus de commissions scolaires ont entrepris d'offrir des programmes intensifs d'anglais, que nous parvient l'une des nouvelles les plus heureuses. Ailleurs, comme l'introduction en fait mention plus en détail, on retiendra surtout que la planification à long terme et les études approfondies commencent à profiter aux étudiants et aux écoles.

Terre-Neuve

Le sondage mené par la société Environics Research Group Ltd. pour l'association Canadian Parents for French (CPF) à l'automne 1989 indique que les Terre-Neuviens soutiennent en plus grand nombre que la moyenne nationale l'apprentissage de la langue seconde. Le ministère de l'Éducation de Terre-Neuve, où l'apprentissage du français est obligatoire de la quatrième à la neuvième année, a adopté cette année pour les classes de cinquième un nouveau programme didactique. Il en ira de même l'an prochain pour les classes de sixième.

Trois autres écoles, comparativement à une seule en 1989, ont offert cette année le programme-cadre de français enrichi, qui comporte d'ordinaire un cours de français et une matière enseignée en français. Un document énonçant les grandes orientations de ce programme sera bientôt remis aux écoles en vue de recueillir leurs commentaires.

Les conseils scolaires tentent de pallier la pénurie d'enseignants par des programmes locaux de recyclage professionnel; deux sessions d'été ont ainsi été données à l'Université Memorial l'année dernière. Afin d'évaluer la situation, la CPF a pour sa part mené un sondage sur la formation auprès des enseignants et des directeurs d'établissements œuvrant en immersion.

Île-du-Prince-Édouard

Le ministre de l'Éducation annonçait en novembre 1990 qu'il souscrivait à certaines des recommandations formulées par le Elementary Education Committee, dont le rapport faisait suite à une vaste consultation au sein du réseau scolaire. De façon générale, ce comité préconise un programme intégré de la première à la troisième année et une intégration limitée des matières de la quatrième à la sixième année. Il recommande également que 10 p. 100 du temps d'apprentissage prévu au programme-cadre soient consacrés à l'enseignement de la langue seconde. Selon la déclaration du ministre, « pour ce qui est de l'apprentissage de l'anglais pour les élèves en immersion française, la question à débattre est de savoir en quelle année il devrait commencer ? Des discussions plus poussées avec les représentants des écoles serviront à déterminer s'il convient d'être souple à cet égard et à analyser les répercussions d'une telle décision sur l'assimilation des matières ». La mise en œuvre des recommandations s'échelonnera sur une période de cinq ans.

Les programmes d'immersion ont continué d'être offerts, à Tignish et à St-Louis, bien que le quota d'admission fixé par la province n'ait pas été atteint. Par contre, un programme a été annulé, à Souris, et les membres de la CPF ont lancé une campagne d'information en vue d'accroître le nombre d'inscriptions pour le début de la prochaine année scolaire.

Aucune formation en enseignement de la langue seconde n'étant offerte sur l'Île, les écoles doivent effectuer leur recrutement à l'extérieur de la province. La formation en cours d'emploi à l'Île-du-Prince-Édouard, comme presque partout ailleurs au pays, met l'accent sur l'approche communicative. De la soixantaine de professeurs de français langue seconde enseignant à l'élémentaire, 45 ont suivi les cours de l'Université de l'Île-du-Prince-Édouard l'été dernier.

La CPF s'apprête à tenir, à l'intention des éducateurs, une conférence portant sur l'enseignement en français au secondaire. Elle a de plus organisé sa première colonie de vacances pour les élèves de la quatrième à la sixième année. Enfin, grâce à une entente intervenue avec le Québec, environ huit élèves ont participé au programme d'échange d'une durée de six mois avec des jeunes francophones de la province. Il s'agit de la troisième année où cet échange a lieu.

Nouvelle-Écosse

À compter de septembre 1990, tous les étudiants du secondaire de la province devront réussir un cours de français pour obtenir leur diplôme. De même, dès 1996, un crédit de français sera exigé pour passer en dixième année.

Bien que la plupart des 17 universités et collèges de formation technique de la province donnent actuellement des cours de français, il n'existe aucun programme spécialisé pour les enseignants de français. La province a récemment

engagé un expert-conseil spécialisé dans la formation des professeurs de français langue seconde, qui parcourt la province afin de déterminer les besoins en formation des enseignants du programme-cadre et du programme d'immersion. En outre, comme nous le mentionnons dans l'introduction, la province élabore actuellement un programme de cinq crédits destiné à former les professeurs qui possèdent déjà un certificat d'enseignement. En ce qui concerne l'élaboration du programme d'études, de nouveaux guides pédagogiques pour le programme-cadre du premier cycle du secondaire et le programme d'immersion à l'élémentaire sont prévus pour 1991.

Nouveau-Brunswick

Le Nouveau-Brunswick possède deux réseaux scolaires distincts, l'un français, l'autre anglais. Dans le réseau anglais, où le français est obligatoire de la quatrième à la dixième année, 76 000 étudiants sont inscrits aux cours de langue seconde. La province organise des échanges intra-provinciaux auxquels participent environ 1 000 étudiants chaque année. On procède actuellement à la révision des guides pédagogiques pour le programme-cadre de français afin qu'ils reflètent les résultats de l'*Étude nationale sur les programmes-cadres de français*.

Pour la première fois en septembre 1991, les enfants du Nouveau-Brunswick pourront aller à la maternelle. Il incombera à chacun des conseils scolaires de décider si on y offrira des classes d'immersion en français, ou même des classes régulières en français.

La pénurie d'enseignants constitue toujours un problème, bien que la province forme de nombreux professeurs de langue seconde qualifiés. Pour remédier au problème, le ministère de l'Éducation a réalisé une bande vidéo intitulée *Junior High Core French Techniques and Strategies*. En outre, d'ici cinq ans, chaque professeur de français devra avoir suivi, en cours d'emploi, une session intensive d'une durée d'une semaine.

Dans le domaine de l'anglais langue seconde, le Nouveau-Brunswick révise présentement les programmes d'études des régimes pédagogiques A (unilingue) et B (bilingue) à tous les niveaux. Par ailleurs, l'Université Concordia a terminé l'évaluation du programme expérimental autodidactique d'enseignement de l'anglais langue seconde par la méthode audiovisuelle, mis au point par le Nouveau-Brunswick (nous en faisions état l'an dernier). Le ministère de l'Éducation espère l'offrir au secondaire et en faire l'évaluation à une petite échelle. De nombreux éléments du programme, qui ont reçu une évaluation positive, semblent pouvoir être intégrés au programme régulier, notamment une partie de la technologie audiovisuelle, le concept de l'apprentissage autodidactique et les travaux individualisés. Nous attendons avec impatience les résultats.

En terminant, notons qu'à titre de seule province officiellement bilingue du pays, le Nouveau-Brunswick possède une école de formation linguistique pour les fonctionnaires. En 1988-1989, cette école a enregistré 263 inscriptions.

Québec

L'apprentissage de la langue seconde a toujours été jugé important au Québec. Le sondage de la Canadian Parents for French (CPF) montre que les Montréalais sont plus favorables à l'enseignement de la langue seconde (91 p. 100) que n'importe quel autre groupe régional au pays.

En 1988, le ministre de l'Éducation d'alors, M. Claude Ryan, annonçait un plan d'action global visant l'amélioration de la qualité de l'enseignement du français langue maternelle au Québec. La mise en œuvre du plan se poursuit toujours. En 1990, le Ministère a amorcé des consultations avec les éducateurs intéressés, au sujet de diverses mesures envisagées pour améliorer l'enseignement du français.

Parallèlement, des consultations, également annoncées par M. Ryan, ont été entreprises dans le domaine de l'enseignement de l'anglais langue seconde. Cette année, le ministère de l'Éducation a élaboré un plan d'action. Les cours d'anglais sont obligatoires au Québec de la quatrième à la onzième année, c'est-à-dire jusqu'à la fin du secondaire. Si le premier contact avec la langue seconde est retardé jusqu'à la quatrième année, c'est que de nombreux éducateurs jugent important, en particulier dans le contexte québécois, de s'assurer que les élèves acquièrent une solide connaissance de leur langue maternelle avant d'entreprendre l'apprentissage d'une seconde langue.

Programme intensif d'anglais

Le programme intensif d'anglais langue seconde a obtenu, cette année encore, un énorme succès. Dans le cadre de ce programme, des élèves de cinquième ou de sixième année passent cinq mois à étudier uniquement l'anglais, puis pendant les cinq mois suivants, ils se consacrent à l'étude du français et des mathématiques. La Commission des écoles catholiques de Montréal, la plus importante commission scolaire de la province, vient de mettre en œuvre cette formule dans ses écoles. Par ailleurs, les élèves du programme intensif de la commission scolaire d'Asbestos, évalués cette année, ont obtenu des résultats qui ont agréablement surpris les chercheurs. En effet, leur degré de compétence s'est beaucoup amélioré entre la huitième et la neuvième année, en dépit du fait qu'ils ne suivaient plus alors le programme intensif. Les chercheurs s'attendaient seulement à ce qu'ils *maintiennent* les connaissances acquises à cette étape. Il semble que l'on puisse expliquer le phénomène en partie par le fait que les élèves sont davantage disposés à utiliser l'anglais en dehors de la salle de classe, par exemple en regardant des émissions télévisées en anglais. Chose curieuse, les élèves n'étaient pas eux-mêmes conscients de leurs progrès.

Le bulletin intitulé *Info-Intensif* a cessé de paraître après quatre numéros. Il était trop en demande pour être distribué gratuitement; la liste d'envoi du dernier

numéro comprenait 1 000 noms. Par ailleurs, un groupe d'intérêt spécial appelé Intensig, et rattaché à la Société pour la promotion de l'enseignement de l'anglais (langue seconde) au Québec (SPEAQ), a été formé. Un de ses premiers projets sera l'organisation d'un « power weekend » (week-end de choc) à l'intention des professeurs des programmes d'anglais intensifs.

Nous signalions l'an dernier que les partisans du programme intensif espéraient que soit entreprise « une étude confirmant que la période de cinq mois consacrée à l'apprentissage exclusif de l'anglais n'est pas préjudiciable à la maîtrise d'autres matières ». Depuis, il a été démontré que la participation au programme intensif n'entravait pas l'avancement des élèves dans les autres matières.

L'équipe de l'Université Concordia, qui a évalué les résultats des programmes intensifs d'anglais l'année dernière, s'intéressera désormais à certaines difficultés pédagogiques particulières. Comme nous l'avons signalé dans le *Rapport annuel 1989*, les élèves des programmes intensifs d'anglais continuent de surclasser ceux des autres programmes et ce, même cinq ans après la fin du cours intensif.

Le programme appelé ESL-LA (English as a Second-Language, Language Arts), dont le nombre des élèves a plus que doublé depuis 1989 pour atteindre 5 147, est en place dans 26 commissions scolaires, comparativement à 18 l'année dernière. Ce programme, qui met l'accent sur la lecture de textes très variés, sera particulièrement profitable aux élèves ayant suivi le programme intensif. Ces derniers auront en effet besoin de mettre en pratique les « compétences linguistiques » acquises.

À compter de juin 1991, les programmes d'anglais langue seconde (ALS) de la neuvième à la onzième année feront l'objet d'une évaluation. Les années inférieures ont déjà été évaluées. D'ici peu, le ministère de l'Éducation compte se pencher sur le programme d'ALS offert aux élèves du « cheminement spécial ». Il s'emploie également à former des experts-conseils plus compétents en ALS.

Français langue seconde

En octobre, le gouvernement du Québec a annoncé son intention d'affecter 2,3 millions de dollars à un plan triennal visant à améliorer la qualité de l'enseignement du français langue seconde (FLS) dans les écoles de langue anglaise. Au même moment, il a publié deux documents, *Situation de l'enseignement du français langue seconde dans les écoles anglophones du Québec* et *Mesures de soutien pédagogique, 1990-1992*. Le premier rend compte des résultats d'une enquête menée à l'échelle de la province en novembre 1989 en vue de déterminer le temps consacré à l'étude du français à l'élémentaire et au secondaire, les modèles organisationnels utilisés, les principaux besoins et les moyens d'action privilégiés.

Le second rapport décrit les initiatives que le ministère de l'Éducation se propose de prendre entre 1990 et 1992 afin d'améliorer l'enseignement du français langue seconde. Les objectifs proposés découlent de l'enquête mentionnée ci-

dessus, de même que de l'évaluation du programme et des consultations menées par le Ministère depuis 1985. Les fonds alloués serviront à l'élaboration de nouveaux programmes, à l'amélioration des programmes de formation des enseignants, à la recherche et à l'évaluation. Une partie des fonds sera réservée aux activités d'enseignement du français langue seconde proposées par les commissions scolaires locales.

La décision de prendre des mesures en vue d'améliorer l'enseignement du FLS répond aux préoccupations exprimées par les Anglo-Québécois. En effet, un sondage Sorecom commandé par Alliance Québec en mai 1990 a révélé que 84 p. 100 des personnes interrogées considéraient l'enseignement du français langue seconde comme très important. En outre, en 1987, une enquête sur les attitudes des parents dans quatre districts scolaires de l'Ouest québécois montrait que 90 p. 100 des parents estiment que la connaissance du français est aussi importante sinon légèrement plus importante que la connaissance de l'anglais. Enfin, les participants à un séminaire d'une journée, dont le *Rapport annuel 1989* faisait état, ont engagé tous les intéressés à se concerter en vue de rehausser la qualité de l'enseignement du français dans les écoles de langue anglaise.

Un rapport sur l'enseignement du français langue seconde dans l'Ouest québécois, commandé par la CPF et présenté au ministre de l'Éducation au printemps 1990, conclut que les élèves du programme-cadre de français — qui correspond aux exigences du programme d'études adopté par la province — n'acquièrent pas une connaissance suffisante du français pour pouvoir vivre et travailler dans un milieu francophone. Bien que ce rapport et l'enquête susmentionnée indiquent que la plupart des élèves de l'élémentaire et du secondaire suivent un plus grand nombre d'heures de cours de français qu'il ne l'est prescrit, le coût additionnel de cet apprentissage « supplémentaire » doit être assumé par les commissions scolaires. Le financement de ces programmes représente un fardeau particulièrement lourd pour les petites écoles, soit plus de la moitié des écoles du secteur anglais au Québec.

Afin de remédier à cet état de choses dans l'Ouest québécois, le rapport recommande que le gouvernement provincial finance la part des programmes d'apprentissage du français qui excède les exigences provinciales; améliore les outils pédagogiques et la formation des enseignants; offre des services de rattrapage aux élèves qui en ont besoin; et appuie davantage, par l'intermédiaire du ministère de l'Éducation, les activités parascolaires en français.

Le plan d'action du gouvernement concernant l'enseignement du français langue seconde a été bien accueilli par Alliance Québec et la section québécoise de la CPF le considère comme un « pas dans la bonne direction ». Les projets à long terme du ministère de l'Éducation comprennent l'établissement d'objectifs raisonnables en matière d'apprentissage du FLS.

En septembre, le ministère de l'Éducation a mis sur pied un programme d'échanges intraprovinciaux conçu pour permettre aux élèves de découvrir la

diversité culturelle du Québec. Des subventions fédérales et provinciales permettent d'acquitter les frais de transport de toute classe anglophone de la quatrième à la neuvième année qui souhaite visiter une classe francophone de même niveau. Jusqu'ici, les classes francophones sont presque trois fois plus nombreuses à avoir présenté une demande, aussi le ministère de l'Éducation déploiera-t-il de plus grands efforts de promotion dans le secteur anglophone.

En mai, Alliance Québec a publié la seconde édition du répertoire intitulé *A Guide to French Second-Language Courses in Quebec*. Compilée par l'Alliance et imprimée avec le concours de l'Office de la langue française, la plaquette répertorie les cours, les colonies de vacances et les autres activités parascolaires destinées à aider les non-francophones à apprendre le français.

Ontario

Le nombre d'inscriptions au programme de français langue seconde est passé cette année de 1 059 000 à 1 068 000, soit une augmentation de moins de 1 p. 100. La montée en flèche observée au cours des années 1980 commence à se stabiliser pour faire place à une légère hausse annuelle. L'immersion continue sa progression, le nombre des élèves inscrits étant passé de 125 000 à environ 135 900.

Le ministère de l'Éducation a envoyé à tous les représentants du domaine de l'éducation en Ontario, pour consultation, un document de travail intitulé *French Language Arts within Extended and Immersion French Programs*. Bien que ce document soit consacré aux cours de langue et de littérature françaises offerts dans le cadre des programmes de français enrichis et d'immersion, il n'en reste pas moins qu'il clarifie le rapport entre la langue et la matière des cours dans un programme intégré. La prochaine étape consistera à élaborer les grandes orientations qui serviront à définir les principes directeurs et la structure de ces programmes, ainsi que les mesures à suivre en matière d'enseignement. Le plan d'action portant sur les programmes d'immersion française, dont nous annoncions l'an dernier qu'il était en préparation et qui recommandait des remaniements considérables, a été mis de côté en attendant les directives du nouveau gouvernement.

La pénurie de professeurs de français langue seconde continue d'inquiéter les éducateurs en Ontario. (La section sur les minorités traite des mesures adoptées pour combler cette lacune dans les écoles françaises.) Néanmoins, un nombre toujours croissant de professeurs sont formés. En 1989 et en 1990, plus de 200 professeurs ont ainsi reçu une formation pour enseigner le français langue seconde au secondaire. C'est toutefois à l'élémentaire que sévit la plus grave pénurie. Les facultés des sciences de l'éducation offrent cette année encore des cours d'été et des cours du soir aux professeurs désirant acquérir une formation plus poussée (d'ailleurs exigée, en plus du certificat d'enseignement, pour qui veut enseigner le français en Ontario).

Le ministère de l'Éducation continue de travailler à la mise au point, pour ce qui est des enseignants, d'un modèle de projection qui déterminerait l'offre et la demande, dans les années à venir. Le gouvernement estime qu'en prévoyant l'étendue de l'écart entre l'une et l'autre, les responsables provinciaux du domaine de l'éducation pourront prendre les mesures appropriées. L'écart entre l'offre et la demande en ce qui a trait aux enseignants de français langue seconde et de français langue maternelle préoccupe tout particulièrement les planificateurs gouvernementaux.

Dans certaines régions de l'Ontario, les conseils scolaires poursuivent l'adoption d'une série de modifications (quelquefois après de longs débats) destinées à répondre aux besoins croissants des programmes d'immersion en français. À North Bay, le Conseil scolaire de Nipissing a pris la décision de convertir une école secondaire publique en école à deux régimes pédagogiques ainsi qu'une école élémentaire (de la maternelle à la huitième année) en école d'immersion. Le Conseil scolaire de Hastings County a ajouté deux programmes d'immersion française en 1990. Le Conseil scolaire de Windsor a envisagé l'ouverture d'un troisième centre d'immersion française, tandis que le Conseil scolaire de Lambton County a formé un groupe de travail ayant pour mandat d'étudier les différents moyens de satisfaire à la demande d'immersion à Sarnia.

La section ontarienne de la CPF a organisé trois « Rendez-vous » cette année, à Sudbury, à Cornwall et au Collège Glendon à Toronto. Pour permettre à ses sections locales de profiter de cette formule, elle les encourage à faire de même dans leur région en 1991. La collaboration avec les associations francophones locales sera au nombre des critères de financement, qui seront assurés par le Secrétariat d'État et l'Office des affaires francophones de l'Ontario.

Manitoba

Un sondage de la CPF indique que les Manitobains voient surtout l'apprentissage du français sous un angle pratique. La plupart croient en effet qu'il améliore les perspectives d'emploi. Bien que le nombre d'inscriptions aux écoles ait légèrement diminué à l'échelle de la province, il a maintenu sa progression du côté français cette année. Les programmes-cadres du Manitoba sont toujours divisés en cours de français pour débutants (environ 40 minutes quotidiennement) et en cours de conversation française, dont le temps d'apprentissage est moindre, et qui semblent appelés à disparaître.

La popularité des programmes d'immersion ne s'est pas démentie. Dans la division scolaire de Fort Garry à Winnipeg, de 25 à 35 p. 100 des enfants entrent directement en immersion française. Malheureusement, la pénurie de professeurs de français pose un problème, en particulier à l'extérieur de Winnipeg. Les grandes orientations des programmes d'immersion, dont nous faisions mention dans le *Rapport annuel 1989*, restent encore à définir.

Un groupement de quatre divisions scolaires propose que le ministère de l'Éducation élabore des programmes de télé-enseignement à l'intention des classes de français langue seconde. Un expert-conseil engagé par le groupe a mis au point un cours de mathématiques qui servira de ballon d'essai en février 1991. Les programmes de télé-enseignement du Manitoba font appel à une gamme d'outils, dont des documents imprimés, comme les traditionnels cours par correspondance, ainsi que des télé-conférences hebdomadaires.

La CPF a organisé un « Rendez-vous » pour près de 85 étudiants des septième et huitième années au Collège Saint-Boniface, établissement qui mérite des éloges pour avoir réussi de façon novatrice à se rapprocher des communautés francophone et francophile.

Saskatchewan

Le Bureau de la minorité de langue officielle célébrait en 1990 son dixième anniversaire. Organisme provincial, le Bureau pilote avec habileté le suivi et la promotion des programmes liés à la communauté francophone, dont ceux de l'enseignement du français langue maternelle et langue seconde.

Par suite d'une initiative d'envergure de la province, tous les programmes d'études françaises seront réexaminés. Le projet a vu le jour en 1989-1990 et la révision définitive du programme de français langue seconde doit être entreprise en 1998-1999. Les documents pédagogiques touchant l'immersion française seront disponibles en 1991-1992, d'abord dans les cours de sciences. Quant au programme-cadre de français, il sera examiné en 1991-1992.

Le recrutement des enseignants se révèle difficile même dans les grands centres, mais la situation n'est pas considérée comme critique. Le ministère de l'Éducation continue d'offrir aux professeurs de français langue seconde des ateliers en milieu de travail, lesquels ont jusqu'ici permis à presque tous les intéressés de prendre connaissance des méthodes les plus récentes en la matière. En 1990, les enseignants des programmes-cadres de français ont reçu une formation complémentaire à l'Institut de formation linguistique de l'Université de Regina et au Collège Mathieu de Gravelbourg.

La CPF a élaboré deux nouveaux projets en Saskatchewan. Le premier, un « camp de jour », consiste en un programme de voyages estivaux destiné aux étudiants du deuxième cycle du primaire (de la quatrième à la sixième année). Il comprend notamment des activités dans les domaines du théâtre, de la danse et des arts plastiques. Le second est coiffé d'un titre doublement évocateur : « Un jour de Franco-fun ». Des étudiants de troisième année en sciences de l'éducation de l'Université de Regina tiendront des ateliers de fins de semaine, par exemple un « Rendez-vous », pour les élèves des cinquième et sixième années afin de les encourager à poursuivre leurs études en français au premier cycle du

secondaire. Ces ateliers font partie de la formation pratique des étudiants universitaires. La Saskatchewan School of Performing Arts propose une autre variante du programme « Rendez-vous » : les enfants reçoivent une formation en musique, en danse et en théâtre, qu'ils mettent à profit au cours d'une représentation à la fin d'une session intensive.

Alberta

Le sondage mené par la société Environics Research Group Ltd. a révélé que plus de 56 p. 100 des répondants croient que les enfants de la province devraient suivre des cours de français langue seconde pour devenir bilingues. Le nombre d'inscriptions au programme d'immersion est passé de 26 100 en 1989 à environ 28 200 en 1990, et celui du programme-cadre de 152 000 à près de 157 000. Par contre, les parents de Grande-Prairie ont rejeté une proposition visant à rendre le français obligatoire de la quatrième à la neuvième année aux écoles Harry Balfour et Sexsmith.

En février 1990, les commissaires de la zone n° 6 (Medicine Hat) ont voté une résolution visant à favoriser l'enseignement du français langue seconde. Un mois plus tard, les parents et les étudiants d'Edmonton ont fait front commun afin d'éviter une réorganisation du conseil scolaire qui aurait entraîné la fermeture de trois écoles d'immersion.

Le ministère de l'Éducation poursuit ses efforts en vue d'empêcher les nouveaux professeurs de français de quitter la province en facilitant, dans la mesure du possible, leurs débuts dans la profession : pour la troisième année de suite, la faculté Saint-Jean offre ainsi une semaine d'orientation aux nouveaux enseignants du programme d'immersion. Environ 120 d'entre eux y ont participé.

Le ministère a commencé à s'intéresser au télé-enseignement. Certains cours, élaborés présentement à l'intention des écoles de langue minoritaire, pourraient être offerts dans le cadre des programmes d'immersion. À compter de 1991, des cours de mathématiques du deuxième cycle du secondaire seront offerts et d'autres, notamment des cours d'agriculture et de sciences, le seront au cours de la prochaine année.

Les étudiants de l'Alberta peuvent s'inscrire aux programmes-cadres de français en quatrième, en septième ou en dixième année. Des programmes-pilotes révisés ont été mis sur pied à l'automne 1990 pour les niveaux débutants; ceux des niveaux intermédiaires (les septième et dixième années) sont prévus pour 1991, alors que ceux des niveaux avancés devraient être disponibles l'année suivante.

Fait à noter, 6 483 jeunes immigrants se sont inscrits au programme d'anglais langue seconde. Selon un représentant du ministère de l'Éducation, ces chiffres devraient connaître une progression spectaculaire. La langue maternelle de bon nombre de ces jeunes est d'origine orientale.

Colombie-Britannique

La Colombie-Britannique a élaboré un nouveau projet, appelé *Year 2000*, pour l'apprentissage à l'élémentaire, en plus d'un nouveau programme-cadre fondé sur les recommandations de la Commission Sullivan sur l'éducation.

Ce nouveau programme aura notamment pour résultat, comme nous le mentionnons dans l'introduction, d'imposer progressivement, d'ici à 1992, le français obligatoire de la quatrième à la huitième année dans tout le réseau scolaire. En raison de la pénurie de professeurs qualifiés, il a été décidé de ne pas rendre le français obligatoire en neuvième et en dixième année, comme l'a recommandé la Commission. Néanmoins, certains conseils scolaires offriront des cours de français à ces niveaux. Le ministère de l'Éducation a, pour sa part, subventionné des programmes de formation des enseignants dans les trois universités de la province afin de répondre à la demande accrue de professeurs de français.

Le nombre d'inscriptions en immersion française a connu une hausse, passant de 26 900 à environ 29 800. Le ministère de l'Éducation a rendu publique la version finale de son étude sur les diverses méthodes d'enseignement du français intitulée *French Immersion Assessment* effectuée en 1988, dont nous faisions état dans les rapports antérieurs. Voici quelques-uns des faits qui y sont présentés. Les élèves en immersion longue et courte de septième année ont subi un test écrit, alors qu'on vérifiait la capacité de lecture, d'expression et de compréhension des étudiants de dixième année. Les résultats des deux groupes ont été comparés à ceux des étudiants de langue maternelle française. La réussite des étudiants en immersion est appréciable, quoique les francophones d'origine les surpassent légèrement en lecture et nettement en conversation. Les étudiants en immersion ont fait montre d'une attitude très positive à l'égard de l'apprentissage du français; les capacités d'expression et de compréhension des étudiants en immersion longue se sont révélées supérieures à celles du groupe en immersion courte (ces derniers ont cependant obtenu des résultats comparables dans les tests écrits). Enfin, les étudiants en immersion ont surclassé leurs homologues francophones pour ce qui est de la ponctuation et de la « richesse » des phrases.

Dans l'intervalle, une série d'événements très préoccupants sont survenus au cours de l'année. Ainsi, des membres de groupes de pression, qui déclarent vouloir défendre la langue anglaise, ont profité des forums sur l'éducation, notamment des élections aux conseils scolaires, pour faire connaître leurs opinions. Certains se sont portés candidats à des postes d'administrateur; dans diverses régions, lors de réunions générales des candidats, des discussions animées ont éclaté sur la pertinence de l'immersion.

Au Conseil scolaire du district de Sooke (Victoria), l'Alliance for the Preservation of English in Canada (APEC) a échoué dans sa tentative de mettre fin aux programmes d'immersion française. Les administrateurs ont rejeté les affirmations de l'APEC selon lesquelles les programmes d'immersion contribuent à

diluer la langue et la culture anglaises et représentent une perte de temps et d'argent. Le conseil n'a pas manqué de signaler que le dossier de l'organisme était truffé d'erreurs grammaticales et de fautes d'orthographe.

Dans le district scolaire de Sunshine Coast, une étude sur les programmes d'immersion a amené l'annulation de l'immersion longue, qui sera désormais offerte de la quatrième à la douzième année. Parmi les raisons invoquées pour justifier cette décision, mentionnons les problèmes de recrutement des enseignants et la difficulté pour un petit district scolaire de maintenir la variété des programmes. Certains parents en ont été assez contrariés pour ouvrir leur propre école privée, « L'école passe-partout ». Ils ont engagé des professeurs qualifiés et ont doté l'école du matériel didactique le plus nouveau, celui du projet *Year 2000*. Entre-temps, des parents qui avaient engagé des poursuites contre le conseil scolaire ont été déboutés. Au moment où nous écrivons ces lignes, ils ont interjeté appel et un jugement est prévu au début de 1991.

Par ailleurs, mentionnons qu'un « Rendez-vous » s'est tenu à l'Université de la Colombie-Britannique en mai 1990, auquel des étudiants du Yukon ont participé.

Yukon

L'immersion est maintenant offerte aux jeunes de la dixième année de l'école secondaire F.H. Collins et, à compter de 1992, elle le sera de la maternelle à la douzième année. Le programme-cadre de français a été étendu de la quatrième à la première année dans 13 des 26 écoles du Yukon. Les professeurs à l'élémentaire et au premier cycle du secondaire sont mis au fait des méthodes pédagogiques les plus récentes dans l'apprentissage d'une langue, qui portent essentiellement sur l'approche communicative. Depuis 1988, le téléenseignement a joué un rôle important dans la formation des enseignants au Yukon grâce à la collaboration de la faculté Saint-Jean de l'Alberta. Des classes de conversation sont maintenant offertes aux adultes de Haines Junction et de Watson Lake. Enfin, la bibliothèque du collège du Yukon commence à se doter d'ouvrages en français.

Territoires du Nord-Ouest

Le nombre d'inscriptions au programme d'immersion française, qui n'est offert qu'à Yellowknife, s'est accru cette année, passant de 380 à environ 420. Un nouveau programme-cadre de français a été mis en œuvre à titre d'essai en 1990-1991 dans les classes de la première à la sixième année, et on s'affaire à mettre au point un programme d'études pour les classes de la septième à la douzième année. Comme d'habitude, le camp de neige et le concours oratoire organisés par la CPF ont fourni d'excellentes occasions de faire l'apprentissage du français. Enfin, le collège Arctic d'Iqaluit offre cette année aux adultes la possibilité de suivre un cours de français avancé, ainsi que des traductions de textes de l'inuit vers le français.

ANNEXES

Le Commissariat aux langues officielles : sur les barricades

Au début de 1990, alors qu'on mettait la dernière main au *Rapport annuel 1989*, le Commissaire notait à regret que 80 p. 100 des institutions fédérales avaient fait bien peu de cas de la *Loi sur les langues officielles* et du chapitre du rapport précédent intitulé « Les clés du succès : pour un plan directeur », qui définissait le cadre pour la mise en œuvre intégrale de la Loi. En l'absence de tout nouvel engagement de la part des principaux corps de l'État, notamment de directives, de projets de règlements ou d'autres mesures émanant d'organismes centraux, le Commissaire et son équipe ont dû consacrer une bonne partie de l'année à réclamer inlassablement du gouvernement qu'il passe à l'action. Il leur a fallu traiter un nombre croissant de plaintes émanant du public, effectuer les vérifications habituelles auprès des ministères et des organismes en plus d'élaborer nombre de politiques et de prises de position sur une multitude de questions.

Activités et prises de position du Commissaire

Dans la mesure où le lui permettait ce difficile contexte, le Commissaire s'est employé, au cours de la dernière année complète de son septennat, à rencontrer les divers groupes et les responsables qui portent un intérêt particulier à la question des langues officielles : associations de parents des deux groupes linguistiques, associations de minorités de langue officielle, représentants des gouvernements et médias.

Mise en œuvre de la Loi

Le *Rapport annuel 1989* fut déposé au Parlement le 3 avril 1990. L'un de ses principaux éléments consistait à recommander au gouvernement de présenter une réglementation dans les meilleurs délais et d'émettre des directives à l'intention des ministères et des organismes fédéraux. S'adressant aux médias, le Commissaire menaçait de démissionner. En réponse à une série de questions circonstanciées, il obtint toutefois du premier ministre et du président du Conseil du Trésor l'assurance que des gestes concrets seraient posés, engagement qui n'était assorti d'aucune mesure précise.

Dans une lettre en date du 8 mai 1990, le premier ministre affirmait : « Je tiens à vous assurer que notre conviction et notre détermination demeurent aussi fermes qu'elles l'ont été depuis le début. » De son côté, le président du Conseil du Trésor, Robert de Cotret, avait écrit le 5 juillet : « l'adoption dans les meilleurs délais de cette réglementation demeure bien évidemment parmi mes toutes premières priorités ».

Le **14 juin 1990**, le Comité mixte permanent des langues officielles, à la suite des exhortations du Commissaire et de groupes minoritaires, remettait au Sénat et à la Chambre des communes un rapport unanime exigeant le dépôt d'une réglementation.

Le **15 septembre 1990**, à l'occasion du deuxième anniversaire de l'entrée en vigueur de la nouvelle Loi, le Commissaire signalait l'absence de tout progrès significatif dans son application. De plus, il annonçait le dépôt d'une requête auprès de la Cour fédérale relativement au manquement d'Air Canada à recourir à la presse minoritaire francophone dans les régions où la demande est importante, comme le prescrit l'article 30 de la Loi. Il s'agissait de la première requête que déposait le Commissaire à la Cour en vertu de la nouvelle Loi. À la fin de l'année, la date d'audition de la requête n'avait toujours pas été fixée. Le Commissaire annonçait en outre qu'il avait fait parvenir au président du Conseil du Trésor trois rapports spéciaux traitant des aspects suivants : les lacunes dans l'offre active de services, surtout auprès des petites communautés minoritaires; l'absence d'une politique claire quant à l'utilisation de la presse minoritaire de langue officielle; et le faible recours à l'article 91 touchant l'établissement de critères linguistiques objectifs en vue de combler les postes bilingues, article largement méconnu ou incompris du personnel cadre des institutions fédérales.

Au début d'octobre, le Conseil du Trésor avisait le Commissaire qu'il s'apprêtait à faire parvenir des lettres aux ministères et aux organismes fédéraux afin de clarifier leurs obligations en matière d'utilisation de la presse minoritaire de langue officielle. Le Conseil préparait également une missive au sujet de l'article 91 destinée à tous les directeurs généraux d'organismes fédéraux. Il reconnaissait enfin la nécessité de trouver des moyens pour inciter les employés fédéraux à mettre en application les principes énoncés dans les directives de 1982 concernant l'offre active, tout comme ceux de l'article 28 de la Loi.

Le **25 octobre 1990**, après avoir entrepris d'aussi urgentes que vaines démarches auprès des plus hautes autorités, le Commissaire présentait au Parlement un rapport spécial réclamant la réglementation et les directives.

Le **8 novembre 1990**, le président du Conseil du Trésor déposait un premier avant-projet de règlement touchant les communications avec le public et la prestation de services et la définition pratique du concept de « demande importante ».

Le **5 décembre 1990**, à la suite du président du Conseil du Trésor, le Commissaire et les dirigeants d'associations minoritaires comparaissaient devant le Comité mixte permanent des langues officielles pour donner leur avis sur l'avant-projet de règlement. S'il souscrivait aux principes fondamentaux du projet, le Commissaire a néanmoins fait bon nombre de suggestions détaillées pour améliorer le document (voir Partie I, chapitre 2). À la fin de l'année, le Comité n'avait pas encore remis son rapport.

Activités de communications

Tout au long de la campagne précédant le dépôt de l'avant-projet de règlement, chacune des interventions a contribué à diffuser, par la voie des médias, une information plus complète sur la *Loi sur les langues officielles* et la dualité linguistique. Par exemple, le dépôt du *Rapport annuel 1989* a été accompagné d'une conférence de presse et suivi de 36 entrevues.

Au cœur de l'hiver, l'avalanche de pétitions en faveur d'administrations unilingues anglaises dans les municipalités ontariennes, suivie des déclarations d'unilinguisme de certaines d'entre elles, entraîna un surcroît de demandes d'entrevues. Au cours de plus de 30 rencontres avec la presse écrite et parlée, le Commissaire s'est employé à limiter les dommages causés aux relations entre francophones et anglophones et à rétablir les faits sur certaines questions concrètes.

Lors du débat à la Chambre des communes, tenu au plus fort de la crise des municipalités unilingues, le premier ministre a commenté la prise de position du Commissaire et parlé de celui-ci comme d'un « observateur impartial, sensible et objectif des questions linguistiques du pays ».

L'échec de l'Accord du lac Meech a par ailleurs amené le Commissaire à souligner auprès de tous les médias que même si « la reconnaissance accrue de notre dualité linguistique n'est pas capable à elle seule de sauver le Canada, [...] sans elle, il irait sûrement à sa perte ».

Le thème de la dualité linguistique, vu sous l'angle de l'histoire aussi bien que de l'avenir du Canada, a été exploré dans une série d'éditoriaux de *Langue et Société* ainsi que dans diverses allocutions et entrevues. Vingt-trois journaux totalisant un tirage de quelque trois millions d'exemplaires ont repris ces éditoriaux. Il s'en est suivi, entre la presse écrite et tous ceux qu'intéressent de près les questions linguistiques, un franc dialogue qui, dans le cadre du grand débat national, a permis d'expliquer l'importance et le caractère permanent de la dualité linguistique. L'entreprise était cependant particulièrement ardue étant donné que l'attention du public était alors concentrée sur d'autres aspects de la crise constitutionnelle.

En cette période tourmentée, les allocutions publiques du Commissaire ont été axées en 1990 sur les motifs qui nous permettent d'avoir foi dans l'avenir du Canada et de demeurer confiants. Ainsi, deux de ses discours, l'un à l'Université

McGill et l'autre à Halifax devant l'assemblée annuelle de l'association Canadian Parents for French, s'intitulaient respectivement « La dualité linguistique après le lac Meech » et « Les années 90 : l'heure de la confiance ». À Paris, devant l'Institut France-Amérique, le Commissaire a parlé de « la reconnaissance de la dualité linguistique : un pont transcanadien », tandis que son discours devant l'assemblée générale de l'Association canadienne-française de l'Ontario portait sur « la communauté franco-ontarienne : progrès, obstacles et vouloir vivre ! » Au total, le Commissaire a prononcé 26 discours en 1990 et accordé 113 entrevues (61 en anglais et 52 en français) comparativement à 52 en 1989; il a également tenu deux conférences de presse à Ottawa et une dans pratiquement toutes les capitales provinciales ou territoriales.

Comités parlementaires et commissions royales

Selon l'esprit de l'article 82 de la *Loi sur les langues officielles*, qui consacre sa primauté sur les autres lois du Parlement, le Commissaire doit régulièrement comparaître devant des comités parlementaires et divers groupes analogues, ou leur présenter des mémoires, afin de fournir ses conseils et ses recommandations sur un large éventail de questions politiques, y compris l'évaluation des répercussions des nouvelles lois sur le statut des langues officielles.

Le 1er février, il remettait ainsi un mémoire au Comité de la Chambre des communes chargé d'examiner le *projet de loi nº C-40* sur la révision de la *Loi de la radiodiffusion*.

Le Commissaire a aussi comparu devant la Commission royale d'enquête sur la réforme électorale le 12 mars, puis devant le Comité spécial chargé d'étudier le projet de résolution d'accompagnement de l'Accord du lac Meech, le Comité Charest, le 27 avril suivant.

Le 20 novembre, c'était au tour du Comité de la Chambre des communes chargé de l'examen du projet de loi sur la privatisation de Pétro-Canada de l'entendre.

Comme par les années passées, le Commissaire a souvent comparu devant le Comité mixte permanent des langues officielles (voir Partie I), notamment lorsque celui-ci s'est penché sur la question des langues officielles à la Société canadienne des postes, sur les proclamations d'unilinguisme de certains conseils municipaux ontariens, ainsi que sur les pratiques publicitaires d'Air Canada, son rapport annuel et ses prévisions budgétaires.

Activités à l'extérieur de la région de la capitale nationale

Au cours de la dernière année complète de son mandat, le Commissaire s'est rendu dans toutes les provinces et dans les deux territoires en vue de rencontrer, le plus souvent à l'occasion de leurs assemblées annuelles, les dirigeants d'associations minoritaires et de parents.

Afin de discuter de la mise en œuvre de l'article 23 de la *Charte canadienne des droits et libertés* et de diverses autres questions touchant les minorités linguistiques, le Commissaire a également rencontré les autorités provinciales et territoriales et visité les bureaux régionaux de certaines institutions fédérales, notamment celles qui avaient donné l'exemple en matière linguistique. Plus d'une fois, les journalistes de l'extérieur de la région de la capitale nationale lui ont demandé de comparer le statut accordé aux langues officielles dans leur province ou leur région à celui dont elles bénéficiaient ailleurs.

Chaque déplacement faisait ressortir des problèmes locaux ou régionaux distincts, mais les principaux points soulevés furent le droit à l'enseignement dans la langue de la minorité et le droit à la gestion de leurs écoles par suite de la décision de la Cour suprême dans l'affaire *Mahé et al.*, ainsi que l'importance de marquer des progrès dans d'autres domaines tels les services aux communautés minoritaires et l'enseignement de la langue seconde, malgré les difficultés dues à l'échec de l'Accord du lac Meech.

En tournée dans l'est du pays, le Commissaire a rencontré les premiers ministres Wells et McKenna. En Ontario, il s'est entretenu avec le premier ministre Peterson et son successeur, Bob Rae, deux mois seulement après l'assermentation de ce dernier. Dans les autres provinces, il a rencontré les principaux ministres et fonctionnaires, tandis qu'il abordait avec les dirigeants du Yukon et des Territoires du Nord-Ouest (où la plus grande partie de la *Loi sur les langues officielles* entrera en vigueur en 1991), certaines questions les touchant de près.

Activités internationales

À l'invitation de divers pays européens, le Commissaire acceptait, au printemps de 1990, de faire part de l'expérience canadienne en matière de réforme linguistique. Il a prononcé des allocutions à Berne et à Lausanne, en Suisse, ainsi qu'à Paris et à Bordeaux, en France. À la fin de l'année, il accepta également une invitation à se rendre aux États-Unis au printemps 1991 pour y prononcer un important discours.

Devant la Conférence canadienne des ombudsmans, le Commissaire a présenté un discours, assorti d'une résolution, où il examina le rôle que pourraient jouer les ombudsmans canadiens dans la défense des droits de la personne dans les régions du monde où l'idée même de protecteur du citoyen est encore quasi inconnue. L'Institut international de l'Ombudsman acceptait à sa suggestion de poursuivre ce noble objectif.

Les directions du Commissariat

Un mois par année, le Commissaire supervise la production du rapport annuel. Deux directions participent directement à la rédaction du rapport, celle des Politiques et celles des Plaintes et Vérifications, tandis que la Direction des

communications veille au travail de publication. Compte tenu de son soutien actif à l'ensemble des interventions du Commissaire exhortant le gouvernement à déposer un avant-projet de règlement, notamment lors de la rédaction du rapport spécial au Parlement, la **Direction des politiques** a constamment joué en 1990 un rôle de premier plan. Elle a aussi soutenu d'autres démarches du Commissaire et entrepris elle-même de diriger de nombreux projets de recherche, dont une étude sur les droits des minorités à l'enseignement dans leur langue, et une autre sur les comportements linguistiques dans la région de la capitale nationale.

Cette direction a par ailleurs suivi de près les activités des comités parlementaires et secondé le Commissaire dans la préparation de ses comparutions devant le Comité mixte permanent des langues officielles et autres tribunes. Elle l'a conseillé sur des questions d'intérêt particulier et a agi comme agent de liaison auprès d'associations minoritaires et pédagogiques nationales.

Elle a également joué un rôle important dans la préparation des allocutions du Commissaire, rédigé un grand nombre d'articles pour la revue *Langue et Société* et collaboré activement à la préparation d'une grande partie du présent rapport annuel.

En appui au rôle d'ombudsman dévolu au Commissaire, la **Direction des plaintes et vérifications** a traité, en 1990, 2 690 dossiers de plaintes dont 2 167 contrevenaient, selon elle, à la *Loi sur les langues officielles*. Elle a entrepris des procédures de recours judiciaire à la suite de plaintes déposées contre la société Air Canada et sa publicité dans la presse minoritaire, et a secondé le Commissaire dans son travail auprès de la Conférence canadienne des ombudsmans et de l'Institut international de l'Ombudsman.

Pour soutenir le Commissaire dans ses fonctions de vérificateur de la conformité des politiques et pratiques des ministères et des organismes fédéraux à la *Loi sur les langues officielles*, la Direction a effectué dix vérifications et cinq suivis. De même, elle a mené trois études spéciales sur l'offre active et la langue de travail au Québec, et préparé trois rapports spéciaux au gouverneur en conseil sur l'offre active, l'utilisation des médias de langue officielle minoritaire et l'application de l'article 91.

La Direction a effectué un moins grand nombre de vérifications et de suivis en 1990, qu'au cours des années précédentes, puisqu'elle a dû consacrer plus de temps, d'argent et d'énergie au traitement des plaintes, en raison de leur augmentation, du changement de priorités et des compressions budgétaires.

Enfin, elle a joué un rôle actif dans les préparatifs entourant les comparutions du Commissaire devant le Comité mixte permanent, et convoqué à deux sessions d'information les agents responsables des langues officielles dans les ministères et les organismes fédéraux.

La **Direction des opérations régionales** compte une petite cellule centrale à Ottawa et cinq bureaux régionaux dont chacun possède, outre son personnel résident, un agent de liaison à temps partiel détaché dans un centre éloigné qui travaille en étroite relation avec les communautés minoritaires de la région.

Au cours de l'année, les bureaux régionaux ont reçu 1 887 plaintes, soit 70 p. 100 de toutes les plaintes reçues, et ont collaboré à certaines vérifications et études spéciales des activités régionales de ministères et d'organismes fédéraux. Le personnel des régions a également participé à de nombreux événements où il a pu expliquer la Loi et le rôle du Commissaire à plus de 20 000 citoyens, fonctionnaires et membres d'associations diverses.

Les principaux objectifs de cette direction consistaient cette année à améliorer la planification et l'évaluation interne, à décentraliser davantage certaines opérations comme le traitement des plaintes et la distribution de matériel de communication, ainsi qu'à assurer une meilleure coordination des initiatives régionales en fonction de la stratégie nationale et du mandat du Commissaire tel qu'énoncé dans la Loi. La Direction a enfin réévalué l'assignation des tâches de liaison en vue de maintenir l'équilibre entre les clientèles principales des bureaux régionaux, dont les communautés majoritaires et minoritaires de langue officielle, les fonctionnaires fédéraux et le public.

En 1990, la **Direction des communications** a publié de nombreux documents d'information et a participé à plusieurs activités en vue de promouvoir le statut égal du français et de l'anglais, d'encourager les minorités de langue officielle à faire respecter leurs droits linguistiques et d'informer le public en général des progrès en matière de réforme linguistique.

Quelque 17 000 exemplaires de la revue trimestrielle du Commissariat, *Langue et Société*, ont été distribués par numéro (la revue compte plus de 10 600 abonnés au Canada et à l'étranger). Dans le numéro 31 (été 1990), la rédaction effectuait un sondage afin de savoir ce que pensent les lecteurs de la revue. La majorité d'entre eux se sont dits satisfaits du contenu et de la variété des sujets présentés et ont fait de bonnes suggestions qui permettront d'améliorer *Langue et Société*. Par ailleurs, de nombreux citoyens, invités à participer au concours « Pourquoi j'aime le Canada ! », lancé dans ce même numéro, ont relevé le défi avec enthousiasme. Les textes des cinq lauréats, ainsi que les noms des cinq autres participants qui se sont vu attribuer des mentions honorables, ont été publiés dans le numéro 32.

L'*Agenda 1990-1991*, préparé par le Programme jeunesse, a une fois de plus connu un énorme succès auprès des jeunes, plus précisément les élèves de la onzième année/cinquième secondaire. Cette édition a été distribuée à près de 200 000 élèves partout au Canada. Le Programme jeunesse, avec l'aide d'un Comité consultatif composé de représentants de toutes les provinces et territoires, poursuit l'élaboration du matériel d'information à l'intention des jeunes de huit à onze ans.

De nouvelles publications ont vu le jour en 1990. Ainsi, la Direction des communications a publié une nouvelle brochure bilingue intitulée *Recours judiciaire : vers la justice linguistique* qui explique les différentes étapes à suivre dans le cas où un plaignant désire porter sa cause devant la Cour fédérale, conformément à la partie X de la *Loi sur les langues officielles* de 1988. Par ailleurs, L'*historique du Commissariat aux langues officielles* a été publié au printemps 1990. Ce document bilingue s'adresse à ceux qui s'intéressent au rôle et à l'évolution de cet organisme, de ses débuts à 1989. La Direction a également préparé, pour les spécialistes du domaine des langues officielles et le public intéressé, un document de référence intitulé *Nos deux langues officielles au fil des ans* qui contient des renseignements généraux sur l'évolution du dossier linguistique au Canada de 1867 à 1990. De plus, *Les langues officielles : quelques faits et chiffres* est un nouveau document de référence, à l'intention des parlementaires, des journalistes et du grand public, ayant pour objet de répondre aux questions qui reviennent le plus souvent au sujet de la *Loi sur les langues officielles*, du bilinguisme dans la fonction publique fédérale et du coût du bilinguisme officiel.

La distribution des bandes audiovisuelles existantes s'est poursuivie avec beaucoup d'intensité en raison d'une très forte demande, notamment pour *Le mur magique* et *Deux langues, un pays*. Une évaluation de ces deux bandes a confirmé leur à-propos dans le contexte scolaire en particulier et en a démontré l'efficacité pour la transmission des messages destinés à ces groupes cibles.

Des messages d'intérêt public ont été diffusés à la télévision et à la radio à partir du mois d'août 1990. Ces messages ont pour but d'informer la minorité francophone à l'extérieur du Québec, de même que les populations francophone et anglophone au Québec, de leur droit de recevoir les services des institutions fédérales dans la langue officielle de leur choix et de faire connaître le rôle d'ombudsman du Commissaire aux langues officielles.

De plus, afin d'encourager les minorités de langue officielle à utiliser la langue de leur choix lorsqu'ils s'adressent à des institutions fédérales, la Direction a publié, dans le cadre d'un projet-pilote, des cartes-comptoir portant les numéros de téléphone de certains organismes fédéraux qui offrent leurs services dans les deux langues officielles. Ces cartes-comptoir ont été distribuées à Gaspé au Québec ainsi qu'à Sydney, à Chéticamp et à l'Île Madame en Nouvelle-Écosse.

Étant donné l'intérêt suscité par les questions de langues officielles en 1990, la Direction des communications a connu une année très mouvementée au chapitre des relations avec les médias. En effet, le Commissaire a participé à 113 entrevues, comparativement à 52 en 1989, et des porte-parole du Commissaire ont pour leur part accordé 72 autres entrevues à la presse. Le Service de relations avec les médias est chargé d'organiser les conférences de presse et les entrevues du Commissaire, de rédiger et de planifier la diffusion des communiqués, de préparer la revue de presse quotidienne ainsi que les analyses mensuelles et d'organiser la distribution des discours, articles et autres documents.

La **Direction de la gestion des ressources** assure les services en matière de gestion du personnel, de finances, de langues officielles, d'informatisation et d'administration en général. En 1990, cette direction a négocié avec Santé et Bien-être social Canada un protocole d'entente relatif à un Programme d'aide aux employés et a entrepris, à des fins de formation interne et d'information, de répertorier et d'archiver tous les documents audiovisuels produits par le Commissariat au fil des ans. Le Commissariat a également affecté un employé à la coordination de ses activités d'informatisation et mis en place un projet intitulé Économie-Écologie qui a pour but d'économiser les ressources disponibles et de maximiser leur utilisation en recyclant le papier et en économisant l'énergie. À la fin de l'année, la Direction avait entrepris la mise en œuvre d'un programme de primes d'encouragement pour souligner les contributions exceptionnelles des employés du Commissariat.

L'un des objectifs de cette direction est d'atteindre un taux équitable de participation des francophones, des anglophones et des membres des groupes cibles au sein du Commissariat. Ainsi, le taux de participation des anglophones a augmenté de façon régulière, passant de 25 p. 100 en 1985 à 33 p. 100 en 1990, ce qui est encore insuffisant. Au sein de la haute direction, le taux est demeuré fixe à 50 p. 100 pour les francophones et les anglophones. En 1990, le Commissariat a atteint les objectifs fixés par le Secrétariat du Conseil du Trésor en matière d'emploi de personnes handicapées, d'autochtones et les membres des minorités visibles. Les femmes, qui constituent 53,2 p. 100 de tous les employés, 42 p. 100 des agents et le tiers de la catégorie Gestion, continuent d'être bien représentées.

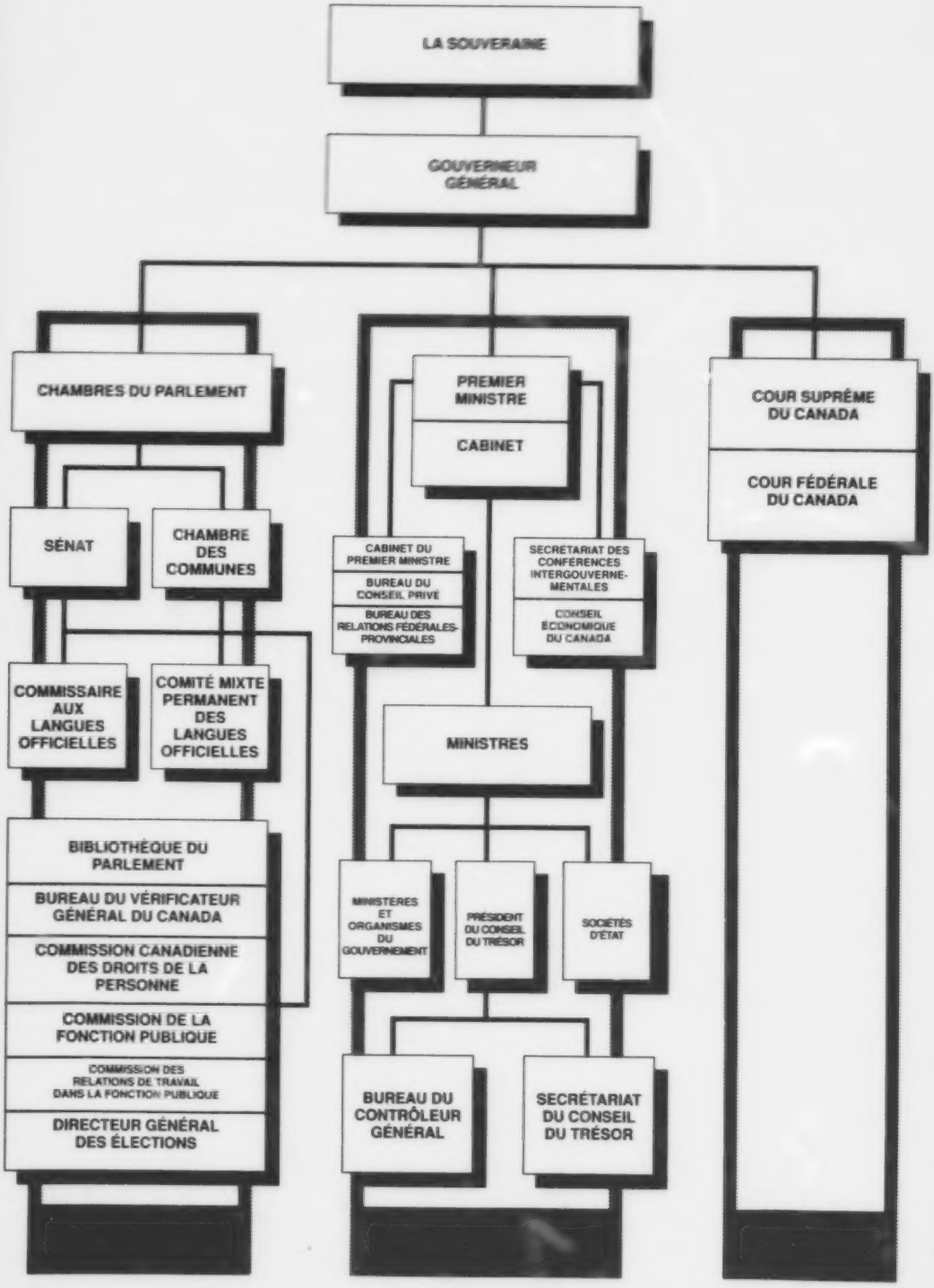
Commissariat aux langues officielles : années-personnes et budget 1990-1991

Direction	Années-personnes	Budget (en milliers de dollars)
Politique	15	1 290
Plaintes et vérifications	60	4 320
Opérations régionales	32	2 315
Communications	22	2 824
Gestion des ressources*	40	2 440
TOTAL	**169**	**13 189**

* Comprenant le personnel du Cabinet du Commissaire et du Sous-commissaire.

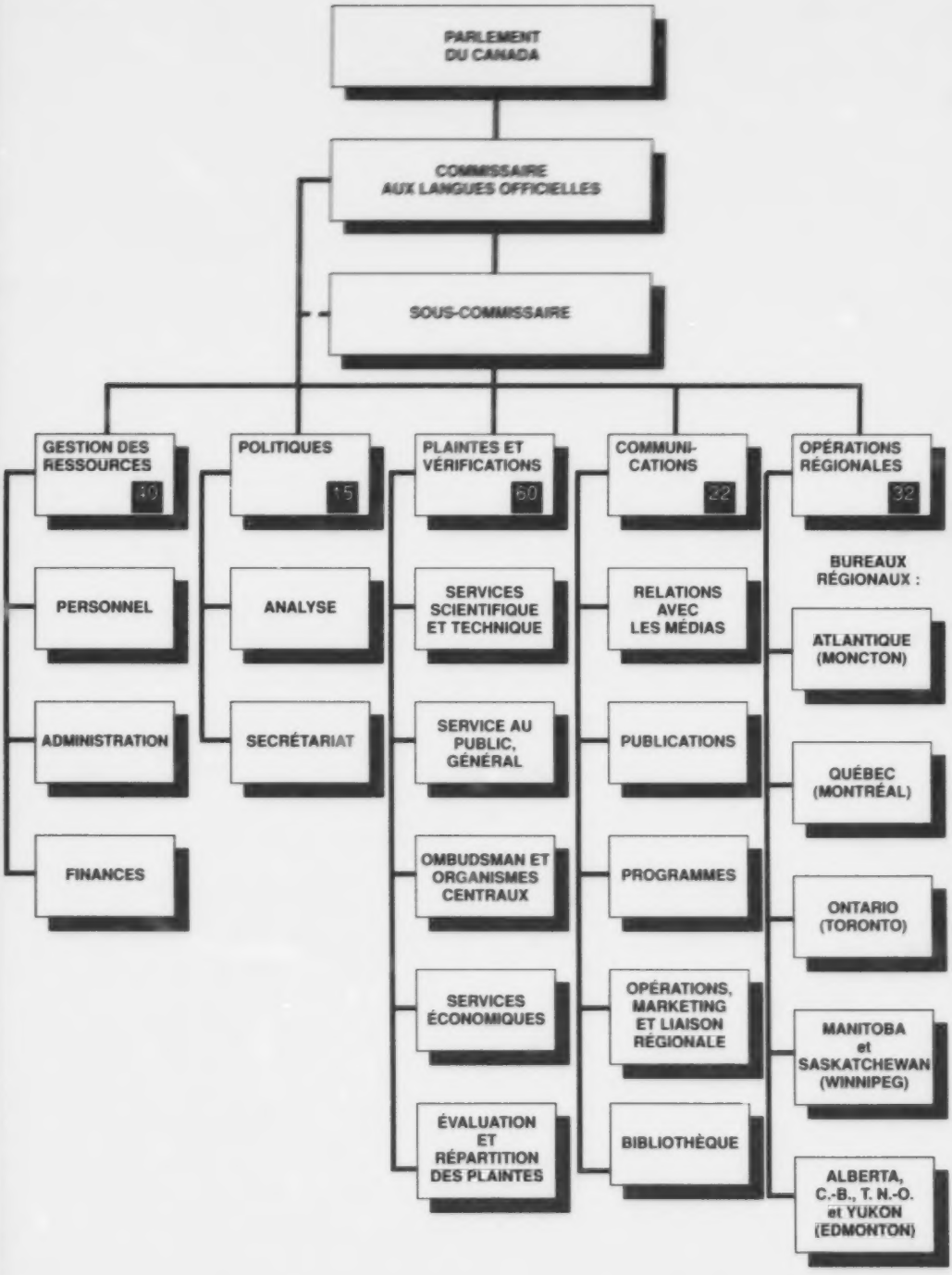
GOUVERNEMENT DU CANADA

Organigramme abrégé



COMMISSARIAT AUX LANGUES OFFICIELLES 2

Organigramme



■ **effectif**

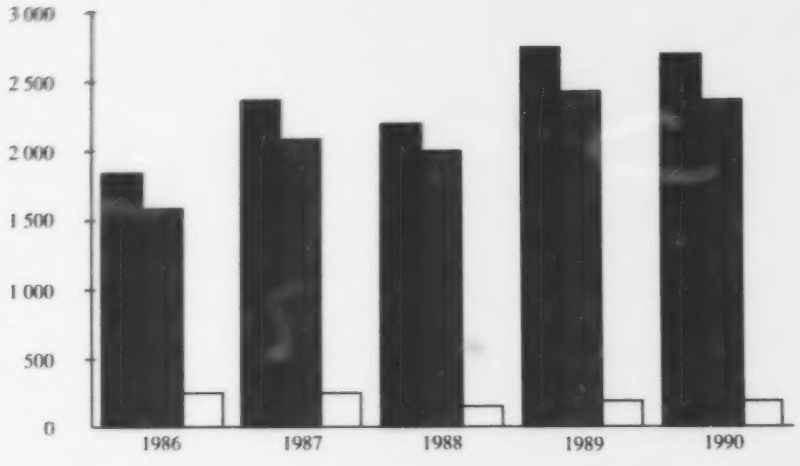
A.1

Répartition numérique des plaintes et des demandes d'information, compétence (fédérale ou non) et nature des plaintes selon la langue visée et la province/territoire, 1990

	1985-1989	1990											
	Moyenne numérique des plaintes reçues						Nature des plaintes selon la langue visée						
					Compétence		Français			Anglais			
	Nombre	Plaintes Nombre	Demandes d'information Nombre	Total Nombre	Fédérale	Non fédérale	Service au public	Langue de travail	Autre	Service au public	Langue de travail	Autre
Terre-Neuve	72	59	3	62	57	2	59	0	0	0	0	0
Île-du-Prince-Édouard	60	79	3	82	77	2	78	0	1	0	0	0
Nouvelle-Écosse	309	366	19	385	354	12	350	6	6	2	0	2
Nouveau-Brunswick	184	213	49	262	192	21	163	23	10	10	1	6
Québec[a]	203	302	61	363	288	14	111	35	13	124	16	3
RCN – Québec	35	61	16	77	57	4	24	11	9	12	2	3
RCN – Ontario	441	441	192	633	414	27	246	74	55	51	5	10
Ontario[b]	262	457	69	526	443	14	402	5	7	41	0	2
Manitoba	148	252	35	287	230	22	234	4	4	8	1	1
Saskatchewan	52	48	15	63	47	1	46	0	0	2	0	0
Alberta	126	232	52	284	224	8	221	1	4	5	0	1
Colombie-Britannique	82	155	38	193	148	7	137	1	3	14	0	0
Territoires du Nord-Ouest	5	1	2	3	1	0	1	0	0	0	0	0
Yukon	7	9	0	9	8	1	8	0	1	0	0	0
Étranger	15	15	4	19	12	3	12	1	0	2	0	0
TOTAL	**2 001**	**2 690**	**558**	**3 248**	**2 552**	**138**	**2 092**	**161**	**113**	**271**	**25**	**36**

[a] Exclut le côté québécois de la région de la capitale nationale.
[b] Exclut le côté ontarien de la région de la capitale nationale.

A.2 LES PLAINTES AU COURS DES ANS



Légende:
- Plaintes (Total)
- Service au public
- Langue de travail

	TOTAL	Service au public	Langue de travail	Autre
1986	1 840 [a]	1 583	242	15
1987	2 360 [a]	2 080	248	32
1988	2 189	1 997	144	48
1989	2 743	2 417	189	137
1990	2 690	2 363	186	141

[a] Aux fins de ce tableau, les plaintes relatives à la langue de travail concernant le SCRS (1 784 en 1986 et 456 en 1987) ont été regroupées et comptées comme une seule plainte.

A.3 LES PLAINTES

Répartition numérique des plaintes fondées, selon les institutions, 1989 et 1990

Institutions*	1989	1990
Affaires extérieures	34	19
Air Canada	234	255
Approvisionnements et Services	53	29
Banque fédérale de développement	19	15
Chemins de fer nationaux	14	20
Commission de la fonction publique	37	41
Consommation et Corporations	33	119
Construction de Défense	17	79
Défense nationale	97	93
Emploi et Immigration	130	138
Environnement	55	57
Finances	2	45
Gendarmerie royale du Canada	46	48
Pétro-Canada	23	20
Revenu Canada (Douanes et Accise)	39	90
Revenu Canada (Impôt)	63	37
Santé et Bien-être social	53	31
Service correctionnel	32	45
Société canadienne des postes	351	297
Société canadienne d'hypothèques et de logement	31	21
Transports	321	252
Travaux publics	48	30
Via Rail	27	53

* Seules les institutions qui ont fait l'objet de 15 plaintes ou plus en 1990 sont énumérées ci-dessus.

A.4

LES VÉRIFICATIONS LINGUISTIQUES, SUIVIS ET ÉTUDES SPÉCIALES

Vérifications linguistiques, suivis et études spéciales effectués dans les ministères et organismes fédéraux 1988, 1989 et 1990

1988

Vérifications
Affaires indiennes et du Nord canadien (Programme du Nord)
Air Canada (Atlantique)
Conseil canadien des relations de travail
Gendarmerie royale du Canada (Quartier général)
Revenu national (Impôt, 1re étape)
Santé nationale et Bien-être social
Secrétariat d'État (Cour de la citoyenneté)
Service correctionnel Canada (Québec)
Solliciteur général du Canada
Statistique Canada
Transports Canada(Garde côtière – Atlantique)

Suivis
Affaires extérieures (Administration centrale)
Commission de la capitale nationale
Environnement
Marine Atlantique
Société canadienne des postes (Participation et langue de travail – Ottawa)

Études spéciales
Événements nationaux et internationaux
Défense nationale (Francotrain)
Environnement (Parcs de l'Ouest)
Accueil téléphonique (Service au public)

1989

Vérifications
Affaires indiennes et du Nord canadien (Inuit et administration centrale)
Air Canada
Approvisionnements et Services (Approvisionnements)
Commissariat aux langues officielles
Conseil canadien des relations du travail
Emploi et Immigration Canada (Région de l'Ouest)
Gendarmerie royale du Canada (Quartier général)
Santé nationale et Bien-être social
Service correctionnel Canada (Région du Québec – Cowansville, Donnacona, Archambault)
Société du crédit agricole
Transports Canada (Garde côtière canadienne – Maritimes)

Suivis
Affaires extérieures
Conseil de recherches médicales
Environnement – Services de l'environnement
Marine Atlantique (Service au public)
Service correctionnel Canada (Drummond)
Société canadienne des postes (Langue de travail – recommandations de 1984)

Études spéciales
La langue d'instruction dans les Forces canadiennes
Langue de travail au Nouveau-Brunswick
Le programme de formation linguistique à la Commission de la fonction publique – phase I
Les événements nationaux et internationaux

1990

Vérifications
Air Canada
Communications Canada
Conseil de recherches en sciences naturelles et en génie du Canada
Emploi et Immigration Canada (Québec)
Énergie atomique du Canada Limitée
Environnement Canada (Québec et Ontario)
Revenu Canada – Impôt (Atlantique)
Revenu Canada – Impôt (Centres fiscaux – Québec et Ontario)
Revenu Canada – Impôt (Ontario)
Revenu Canada – Impôt (Ouest)
Revenu Canada – Impôt (Québec)
Secrétariat d'État du Canada (Enregistrement et Citoyenneté)

Suivis
Commission de la fonction publique du Canada
Industrie, Sciences et Technologie Canada
Société canadienne d'hypothèques et de logement

Études spéciales
Application de l'article 91 de la LLO
Langue de travail au Québec
Offre active (Institutions)
Offre active (Public voyageur)
Utilisation de la presse minoritaire

LES QUESTIONS LINGUISTIQUES VOUS INTÉRESSENT ?

A.5 Imprimés, matériel audiovisuel et trousses produits par le Commissariat aux langues officielles

IMPRIMÉS POUR LES ADULTES

Rapport annuel (R)
Une publication bilingue présentée tous les printemps au Parlement. Fournit aux parlementaires et au grand public les données qui leur permettront de juger des progrès de la réforme du régime linguistique au Canada.

Tirés à part du Rapport annuel 1990

Rétrospective : d'une crise à l'autre
La révolution tranquille des langues officielles et le défi au partenariat (20W)
Un survol des événements survenus dans les domaines constitutionnel, judiciaire et politique qui ont eu des répercussions sur la dualité linguistique et sur les communautés minoritaires, depuis l'adoption de la *Charte canadienne des droits et libertés* en 1981 jusqu'à 1990.

La réglementation de la Loi :
enfin un premier avant-projet, à quand le prochain ? (21W)
Une présentation de l'avant-projet de règlement sur les communications avec le public et la prestation de services, précisant la position du Commissaire et les recommandations de changements.

La chronique minoritaire (17W)
La situation des minorités de langue officielle dans chacune des provinces : les politiques et les éléments marquants de l'année.

L'enseignement de la langue seconde (18W)
Une vue d'ensemble de la politique et survol régional des progrès en matière de l'enseignement de la langue seconde.

Le Commissariat aux langues officielles :
sur les barricades (19W)
Une vue d'ensemble des diverses composantes du Commissariat avec un résumé des activités de 1990 et certaines annexes portant sur d'autres aspects des langues officielles.

Langue et Société (L)
Une publication trimestrielle bilingue destinée à ceux qui s'intéressent aux questions linguistiques. Elle s'adresse principalement aux leaders d'opinion, aux responsables politiques et administratifs, aux chefs des communautés linguistiques, aux éducateurs et aux chefs de file du secteur privé et des associations bénévoles. La revue entend refléter le vécu linguistique des Canadiens et les renseigner sur ce qui se passe à cet égard dans les principaux secteurs d'activité.

Index pour Langue et Société (OL)
Un index bilingue des titres des articles de tous les numéros de *Langue et Société* publiés jusqu'à présent.

Tirés à part de Langue et Société

La langue de travail au fédéral (25W)
Un dossier réaliste et rigoureux préparé à partir d'une enquête menée au Nouveau-Brunswick.

25 000 plaintes ! (26W)
La plainte protège vos droits linguistiques. Le Commissaire aux langues officielles et ses responsabilités d'ombudsman.

25 ans après la Commission B.B. (27W)
Un dossier consacré à l'évolution du bilinguisme au Canada depuis la publication du fameux éditorial d'André Laurendeau.

Discours (1D)
Une collection de 12 allocutions du Commissaire sur un nombre très varié de questions susceptibles d'intéresser ceux qui se préoccupent de la situation linguistique au Canada.

La Loi sur les langues officielles de 1988 (9C)
Un livret contenant le texte intégral de la Loi, en français et en anglais.

Résumé de la Loi sur les langues officielles de 1988 (13W)
Un résumé bilingue des principaux éléments de la Loi.

La nouvelle Loi sur les langues officielles (3Q)
Une brochure bilingue qui explique la *Loi sur les langues officielles* de 1988.

La nouvelle Loi sur les langues officielles et les collectivités minoritaires (2Q)
Une brochure bilingue qui explique la *Loi sur les langues officielles* de 1988. Décrit également comment le Commissaire, en tant qu'ombudsman linguistique, protège les droits linguistiques des collectivités minoritaires.

L'historique du Commissariat aux langues officielles (6Q)
Un document destiné à ceux qui s'intéressent au rôle et à l'évolution de cet organisme, riche en information sur le Commissariat, de ses débuts à 1989. Il renferme les faits historiques qui ont entouré l'évolution des langues officielles au Canada ainsi que les objectifs et les réalisations des trois Commissaires. (Épuisé; réimpression en 1991.)

Nos deux langues officielles au fil des ans (13Q)
Un document de référence relatant les événements qui ont mené au statut spécial du français et de l'anglais au Canada. Cette étude chronologique comprend également les principales décisions rendues par les tribunaux en matière de langues officielles.

Recours judiciaire : vers la justice linguistique (12Q)
Une brochure bilingue qui explique les différentes étapes à suivre dans le cas où un plaignant désire porter sa cause devant la Cour fédérale, conformément à la partie X de la *Loi sur les langues officielles* de 1988.

NOUVEAUX PRODUITS !

Les langues officielles, quelques faits et chiffres (9Q)
Une brochure bilingue de 40 pages qui fournit des renseignements sur la mise en œuvre de la politique fédérale en matière de langues officielles. On y trouve des réponses aux questions qui reviennent le plus souvent au sujet de la *Loi sur les langues officielles* du Canada, du bilinguisme dans l'administration fédérale et du coût du bilinguisme officiel. (Une mise à jour du document est en cours et la nouvelle édition sera disponible à l'été 1991.)

Bibliographie analytique des langues officielles au Canada (15Q)
Une bibliographie analytique de 88 ouvrages publiés entre 1960 et 1989 qui traitent des langues officielles au Canada.

Le Commissariat s'intéresse aux jeunes (3J)
Un document bilingue de 10 pages qui décrit la forme que le Commissariat a donnée à son « option jeunesse » : les réalisations du Programme jeunesse pour sensibiliser les jeunes à la dualité linguistique canadienne de même que l'intérêt et l'appui démontrés dans le domaine de l'éducation, notamment l'enseignement de la langue seconde et les droits scolaires des minorités de langue officielle.

Les droits scolaires des minorités de langue officielle au Canada : de l'instruction à la gestion (14Q)
Un document bilingue de 800 pages qui présente les résultats d'une recherche entreprise par Angéline Martel pour le compte du Commissariat. Cet ouvrage s'adresse aux spécialistes qui travaillent à la mise en œuvre de l'article 23 de la *Charte canadienne des droits et libertés*; on y trouve un ensemble de données et d'analyses aptes à favoriser une action éclairée et efficace dans ce domaine.

MATÉRIEL POUR LES JEUNES

Vous aviez la parole (2V)
Un recueil des meilleures œuvres rédigées par des jeunes de quinze à vingt-quatre ans dans le cadre du concours d'œuvres de fiction lancé par le Commissaire pour marquer l'Année internationale de la jeunesse. Les œuvres françaises sont présentées d'un côté et les œuvres anglaises de l'autre.

Soyez à l'écoute (1V)
Une trousse qui offre la possibilité unique de connaître les idées et les sentiments des jeunes Canadiens sur l'art de vivre dans un pays bilingue. Elle contient la publication intitulée *Vous aviez la parole*, la bande vidéo *Fiction accomplie* et un guide d'utilisation. **Réservée aux enseignants et aux organismes**.

Explorations (1K)
Un jeu bilingue destiné aux jeunes de douze ans et plus. C'est un tour du monde qui les sensibilise au statut international du français et de l'anglais dans un univers linguistique extrêmement varié. Conçu pour quatre joueurs ou moins.

Agenda
Un calendrier-journal bilingue pour les élèves de onzième année, qui contient nombre d'anecdotes et de faits sur le Canada et ses deux langues officielles. Distribué en août par l'entremise des écoles.

AFFICHES

Nos amis à plumes (10K)
Une affiche qui donne les noms français et anglais d'un bon nombre d'oiseaux qui égaient l'Amérique du Nord. Format : 45 sur 55 cm.

Les hiboux hululent (9J)
Le langage animal est prétexte à une leçon de français et d'anglais. Affiche bilingue de 45 sur 60 cm.

Le français et l'anglais... dans près de la moitié des pays du monde (9K)
Une affiche bilingue qui donne, sur un fond de ballons aux couleurs vives, les drapeaux des pays où nos deux langues officielles sont communément utilisées. Une légende au verso identifie ces pays. Format : 50 sur 70 cm.

La bernache du Canada (9T)
Les services du gouvernement fédéral sont offerts dans les deux langues officielles. Voilà le message transmis aux jeunes de neuf ans et moins par les six illustrations aux couleurs vives de cette affiche dont la vedette est une bernache du Canada. Format : 90 sur 60 cm.

Deux langues officielles/Deux voix en harmonie (11Q)
Des oiseaux multicolores unissent leurs voix pour chanter « Qu'on se le dise ! », sur cette affiche attrayante aux couleurs vives. Format : 66 sur 51 cm.

MATÉRIEL AUDIOVISUEL

Le mur magique
Les enfants de cinq à sept ans pourront suivre les aventures de Julie et de Daniel, les deux héros de ce film d'animation, qui sont propulsés dans un monde fantastique. Ils découvriront qu'il est possible de s'entendre et de faire des choses ensemble bien qu'on ne parle pas la même langue. Destinée aux enseignants et aux animateurs de groupe, cette bande est accompagnée d'un guide d'utilisation et d'une affiche. Sur vidéocassette VHS, couleur; 10 minutes.

Deux langues, un pays
Une carte géographique animée relate avec humour la place importante qu'occupent le français et l'anglais dans l'évolution de notre pays. Elle relate les faits historiques qui ont mené à l'adoption des lois contemporaines, y compris la **Loi sur les langues officielles** de 1988. Cette bande vidéo est accompagnée d'un guide d'utilisation et de matériel d'appoint. Elle est particulièrement utile en salle de classe, au cours d'ateliers, de colloques, de séances de formation et d'information. Sur vidéocassette VHS, couleur; 20 minutes.

Le bilinguisme vingt ans après
Des entrevues avec divers chefs de file offrent des points de repère à ceux qui s'intéressent au cheminement des langues officielles au Canada. Reportage réalisé en 1984 à l'occasion du 20e anniversaire de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Sur vidéocassette VHS, couleur; 30 minutes.

Les langues officielles ont vingt ans
De style journalistique, cette bande vidéo présente les moments marquants de deux anniversaires historiques célébrés à la Colline parlementaire en juin 1989 : les vingt ans de la première *Loi sur les langues officielles* et le quart de siècle de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Sur vidéocassette VHS, couleur; sept minutes.

Nos imprimés et notre matériel audiovisuel sont distribués à titre gracieux sur demande et ne font pas l'objet d'une large diffusion en dehors du Canada. Par ailleurs, le Commissariat se réserve le droit de limiter le nombre d'exemplaires expédié.

Pour obtenir le matériel décrit ci-dessus, il suffit d'écrire à la Direction des communications, Commissariat aux langues officielles, Ottawa, Canada, K1A 0T8 ou de téléphoner au numéro (613) 995-0826.

Autres rapports annuels connexes :

Secrétariat d'État, écrivez à la : Direction des communications
Secrétariat d'État
Ottawa (Ontario)
K1A 0M5

Conseil du Trésor du Canada, écrivez au : Centre de distribution
Conseil du Trésor
Ottawa (Ontario)
K1A 0R5

B.1 COMPOSITION LINGUISTIQUE DU CANADA SELON LA LANGUE OFFICIELLE

Données du recensement de 1986[1]

	LANGUE MATERNELLE[2]			LANGUE PARLÉE À LA MAISON[3]		
	Français	Anglais	Autre	Français	Anglais	Autre
Canada	6 354 840 (25,1%)	15 709 650 (62,1%)	3 244 850 (12,8%)	6 015 680 (24,0%)	17 249 900 (68,9%)	1 756 425 (7,0%)
Terre-Neuve	2 670 (0,5%)	561 300 (98,8%)	4 375 (0,8%)	2 110 (0,4%)	559 770 (99,2%)	2 135 (0,4%)
Île-du-Prince-Édouard	5 920 (4,7%)	119 175 (94,1%)	1 555 (1,2%)	3 485 (2,8%)	121 070 (96,8%)	535 (0,4%)
Nouvelle-Écosse	35 810 (4,1%)	818 905 (93,8%)	18 450 (2,1%)	24 720 (2,9%)	829 790 (96,0%)	9 595 (1,1%)
Nouveau-Brunswick	237 570 (33,5%)	462 935 (65,3%)	8 940 (1,3%)	219 350 (31,3%)	478 125 (68,1%)	4 385 (0,6%)
Québec	5 408 980 (82,8%)	678 785 (10,4%)	444 695 (6,8%)	5 343 210 (82,8%)	796 695 (12,3%)	314 600 (4,9%)
Ontario	484 265 (5,3%)	7 097 920 (78,0%)	1 519 505 (16,7%)	340 545 (3,8%)	7 798 355 (86,6%)	862 270 (9,6%)
Manitoba	51 775 (4,9%)	780 015 (73,4%)	231 220 (21,8%)	29 765 (2,8%)	915 415 (87,2%)	104 130 (9,9%)
Saskatchewan	23 720 (2,3%)	827 250 (81,9%)	158 655 (15,7%)	8 980 (0,9%)	934 890 (93,8%)	52 835 (5,3%)
Alberta	56 245 (2,4%)	1 946 725 (82,3%)	362 860 (15,3%)	24 910 (1,1%)	2 153 675 (92,0%)	161 670 (6,9%)
Colombie-Britannique	45 845 (1,6%)	2 366 805 (82,1%)	470 725 (16,3%)	17 575 (0,6%)	2 605 025 (91,4%)	226 990 (8,0%)
Yukon	620 (2,6%)	20 930 (89,1%)	1 950 (8,3%)	275 (1,2%)	22 665 (97,0%)	415 (1,8%)
Territoires du Nord-Ouest	1 420 (2,7%)	28 905 (55,3%)	21 920 (42,0%)	755 (1,5%)	34 430 (66,2%)	16 855 (32,4%)

[1] Données rajustées par Statistique Canada pour tenir compte de ceux qui mentionnent plus d'une langue maternelle ou parlent plus d'une langue à la maison.

[2] Première langue apprise et toujours comprise.

[3] Langue parlée le plus souvent à la maison. Données-échantillon (20 p. 100).

B.2 PREMIÈRE LANGUE OFFICIELLE PARLÉE

Estimations I et II[1]

	ESTIMATION I[2]			ESTIMATION II[3]	
	Français	Anglais	Ni l'une ni l'autre*	Français	Anglais
Canada	6 454 870 (25,8%)	18 304 375 (73,1%)	262 755 (1,1%)	6 250 610 (25,0%)	18 508 635 (74,0%)
Terre-Neuve	2 170 (0,4%)	561 200 (99,5%)	635 (0,1%)	1 470 (0,3%)	561 895 (99,6%)
Île-du-Prince-Édouard	5 050 (4,0%)	120 010 (95,9%)	30 (0,02%)	3 600 (2,9%)	121 465 (97,1%)
Nouvelle-Écosse	32 955 (3,8%)	830 500 (96,1%)	700 (0,08%)	25 220 (2,9%)	838 220 (97,0%)
Nouveau-Brunswick	234 720 (33,4%)	466 840 (66,5%)	295 (0,04%)	223 450 (31,8%)	478 105 (68,1%)
Québec	5 550 395 (86,0%)	858 325 (13,3%)	45 770 (0,7%)	5 531 980 (85,7%)	876 750 (13,6%)
Ontario	469 990 (5,2%)	8 400 610 (93,3%)	130 560 (1,5%)	371 680 (4,1%)	8 498 930 (94,4%)
Manitoba	46 730 (4,5%)	990 370 (94,4%)	12 215 (1,2%)	32 600 (3,1%)	1 004 510 (95,7%)
Saskatchewan	20 470 (2,1%)	970 970 (97,4%)	5 250 (0,5%)	10 395 (1,0%)	981 050 (98,4%)
Alberta	49 205 (2,1%)	2 268 180 (96,9%)	22 885 (1,0%)	28 025 (1,2%)	2 289 350 (97,8%)
Colombie-Britannique	41 270 (1,4%)	2 770 230 (97,2%)	38 090 (1,3%)	21 050 (0,7%)	2 790 450 (97,9%)
Yukon	580 (2,5%)	22 750 (97,4%)	30 (0,1%)	310 (1,3%)	23 010 (98,5%)
Territoires du Nord-Ouest	1 355 (2,6%)	44 385 (85,3%)	6 290 (12,1%)	820 (1,6%)	44 910 (86,3%)

[1] Les estimations ont été obtenues par croisement des réponses aux trois questions du recensement concernant la langue. Les résultats pour la langue parlée à la maison et la langue maternelle sont fournis. Dans le cas des personnes ayant mentionné et le français et l'anglais comme langues parlées, la langue maternelle et la langue parlée à la maison ont été réparties également entre les deux groupes. Données-échantillon (20 p. 100).

[2] Dans l'estimation I, la priorité est accordée à la langue maternelle.

[3] Dans l'estimation II, la priorité est accordée à la langue parlée à la maison.

* Le nombre de personnes qui disent ne connaître aucune des langues officielles est le même dans les deux estimations.

PROGRAMMES DE LANGUES OFFICIELLES

C.1

Ventilation des prévisions budgétaires et des années-personnes affectées aux programmes internes et externes de langues officielles des organismes fédéraux, 1989-1990 et 1990-1991

	1989-1990		1990-1991	
	Prévisions budgétaires révisées (000 $)	Années-personnes	Prévisions budgétaires révisées (000 $)	Années-personnes
PROGRAMMES EXTERNES : PROVINCES, TERRITOIRES ET ORGANISMES				
Secrétariat d'État				
• Paiements de transfert aux provinces et aux territoires au titre des programmes de langues	250 607		253 939	
• Paiements de transfert aux groupes minoritaires de langue officielle	} 43 790		} 45 190	
• Paiements de transfert au titre des programmes d'expansion du bilinguisme				
• Dépenses de fonctionnement	5 350	82	5 663	81
Commission de la capitale nationale				
• Subventions à des programmes externes de bilinguisme	100	0	200	0
Condition physique et Sport amateur				
• Subventions aux associations de sport amateur	300	0	750	0
Commissariat aux langues officielles	12 269	168	12 943	169
Total partiel	312 416	250	318 685	250
PROGRAMMES INTERNES : FONCTION PUBLIQUE, INSTITUTIONS PARLEMENTAIRES FORCES CANADIENNES ET SOCIÉTÉS D'ÉTAT				
Conseil du Trésor				
• Direction des langues officielles	7 868	64	9 321	64
Commission de la fonction publique				
• Formation linguistique	33 822	574	28 914	524
• Administration et autres activités	3 293	76	3 353	59
Secrétariat d'État				
• Services de langues officielles	103 551	1 381	102 358	1 324
Autres ministères et organismes	84 552	548	95 836	538
Institutions parlementaires	1 121	13	1 305	12
Forces armées	54 102	996	64 984	1 076
Sociétés d'État	25 427	n.d.	28 912	n.d.
Total partiel	313 736	3 662	334 983	3 597
TOTAL	**626 152**	**3 872**	**653 668**	**3 847**

n.d. Données non disponibles.
Source : Secrétariat du Conseil du Trésor.

Pour obtenir le montant des dépenses réelles des années précédentes, les lecteurs sont invités à communiquer avec le Secrétariat du Conseil du Trésor.

C.2

LES DEUX GROUPES DE LANGUE OFFICIELLE DANS LA FONCTION PUBLIQUE DU CANADA[1]

Fonctionnaires fédéraux selon la première langue officielle et la catégorie d'emploi, 1984 et 1990

CATÉGORIE		FRANCOPHONES NOMBRE	%	ANGLOPHONES NOMBRE	%	TOTAL
Gestion	1984	824	20,5	3 199	79,5	4 023
	1990	919	22,2	3 218	77,8	4 137
Scientifique et professionnelle	1984	5 043	22,1	17 783	77,9	22 826
	1990	5 304	22,8	17 961	77,2	23 265
Administration et service extérieur	1984	16 626	29,4	39 887	70,6	56 513
	1990	18 130	30,1	42 066	69,9	60 196
Technique	1984	5 718	20,6	22 106	79,4	27 824
	1990	5 415	21,0	20 330	79,0	25 745
Total des agents	**1984**	**28 211**	**25,4**	**82 975**	**74,6**	**111 186**
	1990	**29 768**	**26,3**	**83 575**	**73,7**	**113 343**
Soutien administratif	1984	24 101	33,4	47 956	66,6	72 057
	1990	21 628	34,1	41 822	65,9	63 450
Exploitation	1984	11 014	24,6	33 685	75,4	44 699
	1990	8 823	24,7	26 969	75,3	35 792
Total du personnel de soutien	**1984**	**35 115**	**30,1**	**81 641**	**69,9**	**116 756**
	1990	**30 451**	**30,7**	**68 791**	**69,3**	**99 242**
TOTAL GLOBAL	**1984**	**63 326**	**27,8**	**164 616**	**72,2**	**227 942**
	1990	**60 219**	**28,3**	**152 368**	**71,7**	**212 587**

[1] Le lecteur trouvera au chapitre II.2 des données sur la participation dans l'ensemble des organismes fédéraux.

Source : Système d'information sur les langues officielles, 1984 et 1990.

D.1

EFFECTIFS DES PROGRAMMES DE LANGUE SECONDE DANS LES ÉCOLES PUBLIQUES

PROVINCE[a]		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Terre-Neuve	1977-1978	156 168	67 791	95	3
	1989-1990[r]	130 143	76 041	3 980	32
	1990-1991[b]	126 780	76 700	4 200	35
Île-du-Prince-Édouard	1977-1978	27 628	16 495	541	7
	1989-1990[r]	24 673	15 470	3 271	23
	1990-1991[b]	24 600	15 270	3 370	24
Nouvelle-Écosse	1977-1978	198 097	88 991	127	3
	1989-1990[r]	166 263	100 180	4 900	58
	1990-1991[b]	165 150	99 320	5 480	65
Nouveau-Brunswick	1977-1978	162 229*	n.d.		
Élèves inscrits aux cours d'anglais langue seconde	1989-1990[r]	134 731*	33 610	Aucun programme d'immersion en anglais	
	1990-1991	132 420[b]*	32 374		
Nouveau-Brunswick	1977-1978	162 229*	70 629	3 179	34
Élèves inscrits aux cours de français langue seconde	1989-1990[r]	134 731*	76 537	16 425	109
	1990-1991[b]	132 420*	76 200	17 100	105
Québec	1977-1978	1 260 983*	678 664		
Élèves inscrits aux cours d'anglais langue seconde	1989-1990[r]	1 037 593*	597 142	Aucun programme d'immersion en anglais	
	1990-1991[b]	1 031 000*	603 000		
Québec	1977-1978	1 260 983*	n.d.	17 754	n.d.
Élèves inscrits aux cours de français langue seconde	1989-1990[r]	1 037 593*	n.d.	28 717	n.d.
	1990-1991[b]	1 031 000*	n.d.	30 800	n.d.
Ontario	1977-1978	1 950 308	883 269	12 764	160
	1989-1990[b]	1 900 484	1 059 000	125 000	840
	1990-1991[b]	1 937 800	1 067 900	135 900	845

NIVEAU ÉLÉMENTAIRE[d] (Programme-cadre)			NIVEAU SECONDAIRE[e] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%
93 440	33 585	35,9	62 453	34 111	54,6
62 413	35 430	56,8	63 516	36 631	57,7
60 000	36 000	60,0	62 340	36 500	58,5
13 284	7 351	55,3	13 171	8 603	65,3
10 304	5 621	54,6	10 556	6 578	62,3
10 250	5 500	53,7	10 440	6 400	61,3
100 529	30 025	29,9	91 545	58 839	64,3
82 769	45 409	54,9	75 759	49 871	65,8
82 800	45 000	54,3	74 290	48 840	65,7
27 870[b]	n.d.	n.d.	25 231[b]	n.d.	n.d.
22 686	14 254	62,8	22 257	19 356	87,0
22 350[b]	13 621	60,9[b]	22 350[b]	18 753	83,9[b]
49 019	29 563	60,3	56 930	37 887	66,6
35 695	34 361	96,3	37 668	25 751	68,4
34 800	33 800	97,1	35 820	25 300	70,6
580 351	214 730	37,0	473 402	463 934	98,0
594 545	256 937	43,2	340 205	340 205	100,0
589 000	261 000	44,3	342 000	342 000	100,0
Voir le tableau D.2 (Enseignement dans la langue de la minorité)			Voir le tableau D.2 (Enseignement dans la langue de la minorité)		
1 221 579	650 136	53,2	612 574	220 369	36,0
1 067 500	718 000	67,3	612 184	216 000	35,3
1 085 000	730 000	67,3	620 200	202 000	32,6

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PROVINCE[a]		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Manitoba	1977-1978	221 408	85 619	1 667	13
	1989-1990[c]	197 537	110 005	19 024	91
	1990-1991[b]	196 500	112 400	20 900	95
Saskatchewan	1977-1978	216 248	53 804	407	2
	1989-1990[c]	201 866	118 348	10 440	72
	1990-1991[b]	198 700	131 500	11 500	62
Alberta	1977-1978	439 804	n.d.	n.d.	n.d.
	1989-1990[c]	471 076	178 523	26 182	154
	1990-1991[b]	477 300	184 700	28 200	155
Colombie-Britannique	1977-1978	527 769	161 110	1 301	15
	1989-1990[c]	513 533	222 400	26 900	187
	1990-1991[b]	527 900	231 800	29 800	200
Yukon	1977-1978	5 394	n.d.	n.d.	n.d.
	1989-1990[c]	5 150	3 240	360	2
	1990-1991[b]	5 240	3 540	380	2
Territoires du Nord-Ouest	1977-1978	12 717	n.d.	n.d.	n.d.
	1989-1990[c]	13 732	4 080	380	4
	1990-1991[b]	13 910	4 090	420	4
TOTAL	**1977-1978**	**5 178 753**	**2 106 372 (1)**	**37 835**	**237**
	1989-1990[c]	**4 796 781**	**2 595 627 (2)**	**265 579**	**1 572**
	1990-1991[b]	**4 837 300**	**2 640 030 (2)**	**288 050**	**1 592**

[a] Comprend tous les élèves inscrits aux écoles publiques.

(1) Le total de 1977-1978 s'élève à 2 106 372, lorsque les chiffres sont additionnés verticalement. Additionnés horizontalement, les chiffres pour cette même année donnent un total de 2 240 949. Cela est dû à la non-disponibilité des données pour l'Alberta et les Territoires du Nord-Ouest.

(2) Le total comprend les élèves inscrits dans les classes d'immersion en français au Québec lorsque les chiffres sont additionnés horizontalement mais non lorsque les chiffres sont additionnés verticalement.

[a] Là où aucune indication n'est donnée, la langue seconde enseignée est le français.

[b] Estimation de Statistique Canada.

[c] Voir le tableau D.2 pour le nombre d'élèves inscrits aux programmes d'enseignement dans la langue de la minorité.

[d] M à 6 sauf en Ontario (M à 8), en Colombie-Britannique et au Yukon (M à 7).

NIVEAU ÉLÉMENTAIRE[d] (Programme-cadre)			NIVEAU SECONDAIRE[r] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[c] Effectifs	%
110 831	42 576	38,4	100 707	41 376	41,1
88 531	50 229	56,7	84 678	40 752	48,1
87 200	51 000	58,5	83 160	40 500	48,7
110 382	4 928	4,5	104 075	48 469	46,6
105 007	61 176	58,3	85 346	46 732	54,8
104 000	72 000	69,2	82 220	48 000	58,4
216 656	52 435	24,2	215 899	58 903	27,3
242 760	72 008	29,7	199 805	80 333	40,2
248 000	75 500	30,4	198 560	81 000	40,8
305 574	75 740	24,8	220 894	84 069	38,1
292 125	105 000	35,9	192 418	90 500	47,0
299 200	112 200	37,5	196 680	89 800	45,7
3 545	1 346	38,0	1 849	939	50,8
3 070	2 000	65,1	1 680	880	52,4
3 170	2 300	72,6	1 650	860	52,1
8 801	2 100	23,9	3 916	1 100	28,1
9 270	2 450	26,4	4 052	1 250	30,8
9 370	2 570	27,4	4 090	1 100	26,9
2 813 991	**1 144 515**	**40,7**	**1 957 415**	**1 058 599**	**54,1**
2 593 989	**1 388 621**	**53,5**	**1 707 867**	**935 483**	**54,8**
2 635 720	**1 426 870**	**54,1**	**1 711 450**	**922 300**	**53,9**

[c] 7 à 12 sauf en Ontario (9 à 13), au Québec (7 à 11), en Colombie-Britannique et au Yukon (8 à 12).
[r] Données révisées depuis la parution du *Rapport annuel 1989*.
n.d. Données non disponibles.

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

D.2

PROGRAMMES D'ENSEIGNEMENT DANS LA LANGUE DE LA MINORITÉ

Nombre d'élèves inscrits aux programmes conçus pour permettre aux enfants de la minorité de langue officielle (l'anglais au Québec et le français ailleurs) d'étudier dans leur langue maternelle; classes où ces programmes sont assurés; nombre d'écoles les dispensant, selon les provinces et territoires, 1970-1971, 1989-1990 et 1990-1991

		Élèves inscrits	Classes	Écoles
Terre-Neuve	1970-1971	185	M à 10	1
	1989-1990[r]	234	M à 12	4
	1990-1991[a]	240	M à 12	4
Île-du-Prince-Édouard	1970-1971	796	1 à 12	7
	1989-1990[r]	542	1 à 12	2
	1990-1991[a]	540	1 à 12	2
Nouvelle-Écosse	1970-1971	7 388	P à 12	32
	1989-1990[r]	2 800	P à 12	18
	1990-1991[a]	2 580	P à 12	17
Nouveau-Brunswick	1970-1971	60 679	M à 12	196
	1989-1990[r]	44 943	M à 12	150
	1990-1991[a]	44 700	M à 12	148
Québec	1970-1971	248 855	M à 11	519
	1989-1990[r]	102 843	M à 11	360
	1990-1991[a]	100 000	M à 11	355
Ontario	1970-1971	115 869	M à 13	381
	1989-1990[r]	95 800	M à 13	395
	1990-1991[a]	96 700	M à 13	400
Manitoba	1970-1971	10 405	M à 12	49
	1989-1990[r]	5 304	M à 12	30
	1990-1991[a]	5 240	M à 12	30
Saskatchewan	1970-1971	765	M à 12	12
	1989-1990[r]	1 073	M à 10	10
	1990-1991[a]	980	M à 10	10

Suite

		Élèves inscrits	Classes	Écoles
Alberta	1970-1971	n.a.	n.a.	n.a.
	1989-1990r	2 329	M à 12	19
	1990-1991e	2 540	M à 12	19
Colombie-Britannique	1970-1971	-	-	-
	1989-1990r	2 090	M à 12	42
	1990-1991e	2 220	M à 12	42
Yukon	1970-1971	-	-	-
	1989-1990r	40	M à 8	1
	1990-1991e	40	M à 8	1
Territoires du Nord-Ouest	1970-1971	-	-	-
	1989-1990r	30	M à 6	1
	1990-1991e	30	M à 6	1
TOTAL	**1970-1971**	**444 942**		**1 197(1)**
	1989-1990r	**258 028**		**1 032**
	1990-1991e	**255 810**		**1 029**

e Estimation de Statistique Canada.

r Données révisées depuis la parution du *Rapport annuel 1989*.

n.d. Données non disponibles.

- Aucun

(1) Le total ne comprend pas l'Alberta puisque les données ne sont pas disponibles.

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

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Notes sur l'utilisation de cet index

1) Chercher directement au sujet (Enseignement de la langue seconde) ou aux noms des provinces et territoires (Ontario, enseignement de la langue seconde).
2) Les numéros de pages en caractère gras renvoient au développement principal du sujet dans le texte.
3) L'expression « services bilingues » désigne les services fournis par le gouvernement fédéral. Les services bilingues offerts par les provinces et les municipalités sont désignés comme tels sous les noms des provinces et territoires.

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